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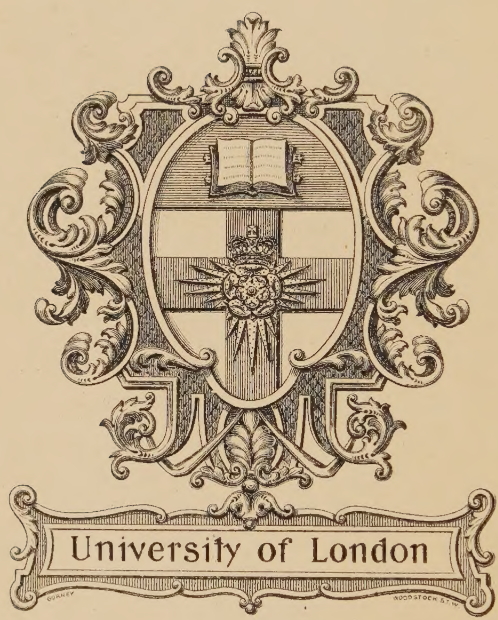
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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXIII.

COMPRISING THE PERIOD FROM
THE TWENTY-FIFTH DAY OF APRIL,
TO
THE TWENTY-SEVENTH DAY OF MAY, 1834.
Third Volume of the Session.

LONDON:

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1834.

TABLE OF CONTENTS

TO

VOLUME XXIII,

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
IV. Protests.

I. Subjects of Debate in the House of Lords.

1834. *Page*

April 28. Trades' Unions' Processions—Petition and Questions by the Duke of Newcastle 59
Warwick Borough—Motion, that the Petitioners against the Bill be heard by Counsel 103

29. Central Criminal Court—Bill establishing the Court recommitted 201
30. Conference with the Commons relative to the Repeal of the Union 294
Repeal of the Union—Commons' Resolutions agreed to—and a Joint Address ordered 297

May 1. Observance of the Sabbath—Petitions 357
Affairs of Oude—Question by Lord Ellenborough .. 358
Admission of Dissenters to the Universities—Petitions .. 360
Repeal of the Union—King's Answer to the Address .. 367
Liverpool Freemen—Bill for Disfranchising them—Order of Proceeding with regard to it 368

2. Corn Laws—Petitions 405
Ecclesiastical Commission—Explanation as to what it had done 409
The Marquess of Anglesey's Letter—Questions by the Earl of Winchilsea 410
Musical Festival—Westminster Abbey 415

5. Observance of the Sabbath—Petition 473
The King of Oude—Motion by Lord Ellenborough, for Papers relative to Mr. Prendergast's Affair with that Prince .. 476

6. Portugal—Sir John Campbell—Motion of the Marquess of Londonderry for Papers relative to this Officer, and to the Negotiations between England, Spain, and Portugal .. 588

1834. Page
May 9. Court of Chancery (Ireland)—First Reading of a Bill to amend its Proceedings 767
Deanery of Down—Explanation given by Lord Plunkett .. 768
Warwick Borough Bill, Witnesses neglect to obey the Orders of the House 778

12. Dissenters—Glasgow Petition 843
Warwick Borough—Examination of Witnesses—Contempt of the House 859

13. Agricultural Distress—Petition 884
Entails (Scotland)—Motion for the Second Reading of the Bill 885

14. Warwick Disfranchisement Bill—Complaint of the "Morning Post." 950

15. Sabbath Observance Bill—Lord Wynford's Measure read a Second Time—Division, Protest, &c. 1006

16. Warwick Borough Bill—Proposition to postpone it .. 1098
The Irish Clergy—Petition 1099
Church Reform—Petition 1102
Non-Residence and Pluralities — Bills to remedy them brought in by the Lord Chancellor, and read a first time 1103

22. Tithe Suits—Petition 1180
Grievances of Dissenters—Petitions—Registration of Births and Marriages—Admission to the Universities, &c. .. 1181

23. Non-Residence and Pluralities—Question relative to the Lord Chancellor's Bills on these subjects—Complaints of their having been improperly introduced—Personal Dispute .. 1250
Warwick Borough Bill—Examination of Witness .. 1272

27. The Russian Ambassador—Questions by the Marquess of Londonderry 1350
Sir John Campbell—Questions by the Marquess of Londonderry 1351
Corn-Laws—Petitions 1354
Warwick Borough—Mode of proceeding—An Address to commit some contumacious Witness to custody 1359

II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.

April 25. Borough of Ripon—Petition complaining of the Borough being injured by the property of one individual 1
Corn-Laws—Petitions 3
Repeal of the Union — Adjourned Debate — Debate again adjourned 5

28. The Dorchester Labourers—Petition 114
Repeal of the Union — Adjourned Debate — Debate again adjourned 127

29. Steam Carriages—Petition to alter the Tolls on such Carriages when running on common roads 203
Repeal of the Union—Adjourned Debate—Debate concluded —Division, List, &c. 207

TABLE OF CONTENTS.

1834. *Page*

April 29. Sale of Beer—Leave given to bring in a Bill to regulate the Sale of Beer—Division, List, &c. 291

30. Labour Rate—Petition 307
Dorchester Labourers—Petition 312
Observance of the Sabbath—Motion to read the Bill brought in by Sir Andrew Agnew a second time — Division, List, &c. 314

May 1. Repeal of the Union—His Majesty's Answer to the Address 382
Vacating of Seats on Acceptance of Office—Motion by Sir R. Heron—Amendment by Mr. E. L. Bulwer, Lists, &c. .. 382
The Case of Baron de Bode—Committee of Inquiry appointed 397
Education (Ireland)—Motion by Mr. Barron to appoint a Select Committee 403

2. Kilmainham Hospital—Petition 421
Irish Church Temporalities Act—Committee on the Act—Resolution to grant 100,000*l.* to defray charges incurred under the Act 422
Tithes (Ireland)—Second Reading of the Bill—Motion to adjourn it for a Week—Division—Motion to adjourn the Debate—Debate adjourned 425

5. Admission of Dissenters—Petition from the Under-Graduates of Cambridge 506
Grievances of Dissenters—Petition—Complaints of Church Rates 506
Pension List—Motion by Mr. Harvey for an Address to his Majesty to inquire into the Pension List—Amendment by Mr. Strutt—Division, Lists, &c. 514
Observance of the Sabbath—Mr. H. Fleetwood's Motion for leave to bring in a Bill to provide for the Better Observance of the Sabbath 587

6. Relief of the Dissenters—Petitions—Number of Places of Worship provided by Dissenters in Scotland .. 610
Tithes (Ireland)—Second Reading of the Bill—Adjourned Debate—Motion to count the House—Personal Altercation—Amendment—Division, List, &c.—Bill read a second time 622
Small Debts (Ireland)—Leave given to bring in a Bill to restrain parties from proceeding in Superior Courts to recover Debts under 10*l.* 678
Judges' Salaries (Scotland)—Motion for a Committee to Inquire into them—Amendment—Committee appointed .. 680

7. London and Westminster Bank—Second Reading of the Bill—Division, &c. 686
Repeal of the Union (Ireland)—Petition 694
General Registry of Deeds—Motion to read the Bill a second time—Motion Lost—Division, Lists, &c. 696
Post Office General Delivery—Second Reading of the Bill for extending the Free Delivery of Letters—Division, &c. .. 741
Religious Assemblies—Bill read a second time—Division, List, &c. 744
Lord's Day Observance Bill—Adjourned Debate—Leave given to bring in the Bill 746
Universities (England)—Mr. Hughes's Motion for Returns 747

8. Bucklebury Enclosure Bill—Motion for the second reading—Amendment—Division, &c. 748

TABLE OF CONTENTS.

1834. Page

May 8. Repeal of the Union (Ireland)—Petition 753

Separation of Church and State—Petition—Explanation .. 757

The Clergy in Parliament—Motion for leave to bring in a Bill to repeal Horne Tooke's Act—Withdrawn .. 759

Catholics and Trinity College—Motion by Mr. Sheil for leave to bring in a Bill to enable Roman Catholics to hold Professorships—The House counted out 761

9. University of Oxford—Dissenters' Petitions 779

Trade with Portugal—Motion by Mr. Robinson for Papers—Motion withdrawn 785

Four-per-Cent Annuities—Resolutions moved in Committee 802

Amendment of the Poor Laws (England)—Motion for the second reading of the Bill—Amendments—Division, List, &c.—Bill read a second time 805

12. Christ Church (Surrey) Rectory—Motion for the second reading of the Bill giving the Rector a Salary—Amendment—Division, Lists, &c. 860

Pensions' Civil Offices—Bill regulating them Committed—Divisions, Amendments, &c. 867

Central Criminal Court—Bill read a second time .. 878

Grand Juries' Oaths (Ireland)—Motion to read a Bill a second time relating to the Oaths taken before Grand Juries .. 879

13. Inns of Court—Petitions and Motion for a Committee to inquire into the Practice of the Inns of Court 893

Punishment of Death—Motion for leave to bring in a Bill to abolish it in certain cases 937

Registry of Births, Deaths, and Marriages—Mr. Brougham's Motion to bring in a Bill to establish a Civil Registration .. 940

14. Poor Laws' Amendment, Committee—Various Amendments, Lists, &c.—Committee to sit again 952

Religious Assemblies—Committee on the Bill .. 1003

15. Admission to the Universities—Petition 1029

Arson—Motion for leave to bring in a Bill to alter the Punishment for the crime of Wilful Burning 1035

Repeal of the Septennial Act—Mr. Tennyson's Motion for leave to bring in a Bill for the purpose—Division, Lists, &c. 1036

Harbours in the Channel—Motion (Mr. Halcombe's) for a Select Committee 1088

Hand-Loom Weavers—Motion by Mr. John Maxwell to appoint a Select Committee to inquire into this subject—Debate Adjourned 1090

16. Portugal—The New Treaty—Questions by Sir Richard Vyvyan 1108

Sale of Beer Act—Motion to read the Bill to amend it a second time 1110

Danish Claims—Motion for a Select Committee to inquire into the claims of those whose property had been seized by the Danish Government in 1807 1135

Court of Chancery—Motion for Reforming the Court by Mr. Lynch—House counted out 1139

21. Merchant Seamen's Widows' Bill—Second Reading—Division, Lists, &c. 1146

Disabilities of the Jews—Bill to relieve them read a second time—Division, List, &c. 1158

1834. Page
May 21. Observance of the Sabbath—(Bill No. 1.)—Mr. Hesketh Fleetwood's Bill—Motion for the Second Reading—Division, Lists, &c.—Bill Postponed 1176
Observance of the Sabbath—(Bill No. 2.)—Read a second time 1179

22. Stamps on Newspapers—Mr. Bulwer's Motion to repeal the Stamp Duty on Newspapers—Division, List, &c. .. 1193
Arrest on Mesne Process—Motion by Mr. Pollock, for leave to bring in a Bill to abolish Arrests for Debt 1223
Reports of the Debates—Mr. Tooke's Motion for an Instruction to the Committee of Public Business, to inquire into the Expediency of Reporting the Debates of the House—Division 1228
Baron De Bode's Claim — Motion by Mr. Lloyd to send an Instruction to the Committee sitting on this case .. 1248

23. Riband Weavers—Petition complaining of Distress and praying Relief 1273
Poor Laws' Amendment—Committee on the Bill—Various Amendments—Committee to sit again 1276

26. London and Westminster Bank—Third Reading of the Bill—Division, Lists, &c. 1305
Poor Laws' Amendment—Committee 1320
Jewish Civil Disabilities' Bill — Committee — Division, Lists, &c. 1349

27. Drunkenness—Petition 1362
Protestant Dissenters—Petitions 1365
Church of Ireland — Motion by Mr. Ward to address the Crown—Debate Adjourned—Schism in the Ministry .. 1368

III. Lists of Divisions.

April 29. The Ayes on Mr. O'Connell's Motion to appoint a Committee to inquire into the effects of the Union with Ireland .. 286
The Noes on the Question, that leave be given to bring in a Bill to regulate the Sale of Beer 294

30. The Ayes on the Motion, that the Sabbath Observance Bill brought in by Sir A. Agnew be read a second time .. 356

May 2. The Ayes on Mr. Carew's Motion to postpone the Tithe Bill (Ireland) for one week 471

5. The Ayes on Mr. Harvey's Motion for an Address to inquire into the Pension List 584
The Ayes on Mr. Strutt's Amendment to that Motion .. 585

6. The Noes on the Question, that the Tithes' (Ireland) Bill be read a second time 678

7. The Noes on the Question, that the London and Westminster Bank Bill be read a Second time 694
The Ayes on the Question, that the General Register of Deeds Bill be read a second time 740
The Ayes on the Question, that the General County Register Bill be read a second time 741

1834. Page
May 7. The Ayes on the Question, that the General Post Delivery Bill be read a second time 744
The Ayes on the Question, that the Religious Assemblies Bill be read a second time 746

9. The Noes on the Question, that the Poor Law Amendment Bill be read a second time 842

12. The Ayes and the Noes on the Question, that the Surrey Rectory Bill be read a second time 866
The Ayes on Colonel Davies's Amendment to the Pensions (Civil Offices) Bill 869

14. The Ayes on Mr. Robinson's Amendment in the Committee on the Poor Laws' Amendment Bill 971
The Ayes on the Question, that the Committee on the Poor Laws' Amendment Bill report progress 1002
The Ayes on the Question, that the House resolve itself into a Committee on the Religious Assemblies Bill 1006

15. The Ayes on Mr. Tennyson's Motion for leave to bring in a Bill to Shorten the Duration of Parliament 1085
The Noes on the same Question 1086

21. The Ayes on the Question, that the Merchant Seamen's Widows' Bill be read a second time 1157
The Noes on the Question, that the Bill for repealing the Disabilities of the Jews be read a second time 1176
The Ayes on the Question, that the Sabbath Day Observance (Bill No. 1.) be read a second time 1179
The Ayes on Mr. Bulwer's Motion to repeal the Stamps on Newspapers 1222

26. The Ayes and the Noes on the Question, that the House go into a Committee on the Jewish Civil Disabilities' Bill .. 1340

IV. PROTEST.

May 15. By the Lord Chancellor, against the second reading of the Sabbath Observance Bill 1026

HANSARD'S
Parliamentary Debates

During the SECOND SESSION *of the* ELEVENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1834,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Third Volume of the Session.

HOUSE OF COMMONS,
Friday, April 25, 1834.

MINUTES.] Bill. Read a first time:—For the Relief of his Majesty's Jewish Subjects.

Petitions presented. By Lord GEORGE SOMERSET, from Monmouth, in favour of the Connexion between Church and State; and from Newport, against the Misappropriation of the Sums raised for Light-House Dues.—By Mr. GROTE, from Great Parnden, for an Alteration in the Tithe System.—By Colonel DAVIES, Sir JAMES SCARLETT, Lord GRIMSTONE, and Messrs. HALL, FLEETWOOD, PARKER, and WEYLAND, from a Number of Places,—for the Better Observance of the Sabbath.—By Admiral FLEMING, from the Hand-Loom Weavers of Cumberland; and by Mr. H. FLEETWOOD, from those of Preston,—for Relief.—By Mr. O'DWYER, from Drogheda, for making it Unlawful for Pawnbrokers to lend Money on Manufacturing Materials.—By Mr. O'DWYER, Mr. W. ROCHE, and Mr. C. FITZSIMON, from several Places,—for the Repeal of the Union.—By Messrs. G. F .YOUNG, PARKER, FLEETWOOD, PENDARVES, and CHILDERS, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Mr. PARKER, from Sheffield, against exacting Sixpence from Merchant Seamen, for the Support of Greenwich Hospital; and from the same Place, for an Inquiry into the State of the Medical Profession.—By Mr. HALL, from the Baptists of Newport, against the Dissenters' Marriages Bill.—By Mr. HEATHCOTE, from several Places, for Amending and Continuing the Labour-Rate Act.—By Mr. HODGES, from Llanally, for the Abolishing of Tithes; for a Reform of the Abuses in and Support to the Established Church.—By Mr. STAVELY, from Ripon, for the Amendment of the Reform Act, and for Vote by Ballot.

BOROUGH OF RIPON.] Mr. *Staveley* presented a Petition from the inhabitants of Ripon, thanking the hon. House for passing the Reform Bill, and complaining of the manufacture of votes for cow-houses, and other mean buildings, seven miles from that borough, whereby the constituency was well-nigh swamped. An individual who owned much property in that neighbourhood, had already made so many votes, that she threatened to swamp the borough, and reduce it to the degraded state of Gatton or Old Sarum. They prayed for the protection of the ballot. He supported the Petition.

Mr. *Baines* said, that the flagrant violation of the people's rights committed at Ripon, which certainly was a gross perversion of the spirit of the Act, had been, if possible, exceeded by a circumstance that had taken place at Leeds at the last election. Instead of a cow-house, a pigstye was endeavoured to be made the medium of sending a member to this House. This pigstye consisted of only four stones set upright; and being called a building, and having land of sufficient value attached to it, three persons actually voted in right of it. He trusted that some alteration would be made in the Reform Act, that would defeat these invasions of the people's rights, and make voters the holders of real buildings.

Mr. *Crompton* supported the prayer of the Petition. The lady in question was seeking, by most unjustifiable means, to obtain a hold over the borough; and, if she went on in her present plans, as there were only 300 voters, it would be a mockery to call it an open borough. It would soon be emphatically her borough.

Petition to lie on the Table.

Corn Laws.] Mr. *Childers* presented Petitions from Melton, and twelve other places, complaining of agricultural distress, and against any alterations in the Corn-laws.

Mr. *Cartwright* said, that those interested in agriculture in Northamptonshire, felt strongly aggrieved that relief had not been extended to them, and had formed no part of the Chancellor of the Exchequer's scheme of appropriating his surplus revenue; on the contrary, that surplus was applied to relieve the taxation pressing on interests comparatively flourishing. Why should not the land participate in the relief? Why was it still to bear all the burthens heretofore imposed, besides having the burthen of increased county-rates? As to the Repeal of the Corn-laws, which was so strongly called for, and in favour of which the Government gave such feeble support, if that Repeal were to take place, it would lead to the greatest convulsion, and involve thousands of farmers in ruin.

Sir *Harry Verney* must bear testimony to the increasing distress which prevailed in the agricultural districts, and considered that the peaceable character of the meetings which were everywhere taking place, and the constitutional means by which they made their grievances known to the House, were circumstances which rendered their petitions worthy of the most serious consideration.

Lord *Althorp* said, nothing would afford him more pleasure than to bring forward a measure that would give relief to the agricultural interest of the country, particularly if that measure would be consistent with the general public good. With respect to the selection of those taxes, it was his intention to remit, he admitted he had not proposed the repeal of any taxes which were entirely confined to agriculture; indeed, in looking at the public taxation of the country, it was not easy to find one tax that pressed specifically and exclusively on the agriculturist. The removal of the County-rates, he was willing to admit, would be a relief, and with this view he had himself moved for a Committee on the subject. He anxiously hoped, that the labours of that Committee would furnish some proposition that would relieve the agricultural districts. His opinion was, and he had expressed that opinion more than once, that the farmer was more oppressed by the local than by the general taxation of the country. Entertaining this opinion, he had brought in a measure to amend the Poor-laws, which, notwithstanding what had been stated by some hon. Members, he hoped the Government would be able to pass through the House during the present Session; for, if it should not pass, it would be because it was rejected by the House, and not from any desire on his part to delay its progress. It had been stated, that the effect of the measure would be, not to give immediate relief, but that its benefit would be prospective. He differed entirely from such an opinion. He could mention the instance of a parish, to which allusion had been made, where a suggestion contained in the Report of the Poor-law Commissioners had been adopted, the consequence of which was, to effect a reduction in the rate upon the whole year of thirty per cent. Therefore, he contended that a good administration of the Poor-laws would afford immediate relief. With respect to the Corn-laws, he did not think this was a fit opportunity for the discussion of that subject. On several occasions, it had been shown, that the agricultural interest was adequately represented in that House; he did not, therefore, see how it could be said, that it was borne down by the influence the Reform Bill had given to the large towns of England. He wished further to state, that he should endeavour, in any remission of taxes that might take place, to give relief to the landed interest; but he felt assured, that the only way to afford relief to the farmer would be, to find means for the employment of the poor.

Sir *Thomas Fremantle* agreed with what had fallen from his hon. colleague (Sir Harry Verney), that it was not by tumultuous meetings, and endeavours to intimidate, that the distresses of the agriculturists had been made known, but by the more constitutional means of petitioning Parliament. He differed very much in opinion from the noble Lord (the Chancelcellor of the Exchequer), as to the discussion which had taken place on the Corn-laws, and thought the agricultural interest was not adequately represented in that House, but that it had much to apprehend from it, as well as from the present Government, it having been stated by the noble Lord, that the Government would not oppose a measure for the Repeal of the Corn-laws.

Lord *Althorp* denied having made such an assertion. What he said was, that the Government, as a Government, did not intend to bring forward any proposition with respect to the Corn-laws; but that if the subject was brought forward by any Member, it would not receive the sanction or opposition of the Government, as a Government.

Mr. *Heathcote* regretted so low a tone was taken in that House by the supporters of the agricultural interest, with respect to the maintenance of the present system of Corn-laws. He did not think, after the division of a former night, there was any danger to be apprehended. The noble Lord, he believed, would not alter the Corn-laws if he could, nor did he believe he could if he would.

The Marquess of *Chandos* was sorry to see no hope held out by the noble Lord to alleviate the distress of the agriculturists. The noble Lord had expressed a hope, that great relief would be afforded by measures which were now in progress through the House; but what the agriculturists required was, immediate relief, and not to be kept in a state of suspense till the end of the Session, when they would be told it was too late to afford it. The very existence of the country depended upon the former; and, if something was not done by the Government to relieve the distress under which they now laboured, he should feel it to be his duty again to bring forward a Motion on the subject, and he trusted he should not be left in so small a minority as he was on a former occasion during the present Session.

The Speaker left the Chair, it being past three o'clock.

REPEAL OF THE UNION—ADJOURNED DEBATE—FOURTH DAY.] The Order of the Day being moved for resuming the adjourned debate upon this question,

Mr. *Ruthven* rose, and began by observing, that he was aware of the difficulties which he should have to encounter in addressing the House, and of his incapability to secure that attention which the magnitude and importance of the subject required. At the same time he was fully determined to discharge his duty to his country, to his constituents, and to himself. The Repeal of the Union was a question that resounded throughout every part of Ireland. Its progress made most rapid strides. He thought that his hon. and learned friend and colleague (Mr. O'Connell) was perfectly right in having gone into a historical review of the state of Ireland. An inquiry had taken place into the effects produced by northern Unions, as in the instance of Sweden, Denmark, and Norway, but it ought not to be forgotten that Portugal, by a glorious struggle, dissolved her union with Spain, and freed herself from the yoke which she had too long borne. That was brought about by the invincible spirit of opposition which was raised to the tyranny of the Spanish monarch. The right hon. Gentleman, the chief Secretary for Ireland, talked last night about rhapsodical rhymes; but this question called for no such allusion; it called for nothing but plain matter of fact. He hoped that the right hon. Gentleman, unlike so many of his predecessors, would not have recourse to the spy system in Ireland for political purposes. He deprecated the reference made by the right hon. Gentleman to the meetings which were held in Dublin for charitable objects. It was very natural that at all such meetings there should be a strong ebullition of Irish feeling; it could not be repressed, for there was an intense desire on the part of the people of Ireland to obtain a Repeal of the Union. He did not mean to hold out Ireland as the most charming picture in the world, of a country in which due regard was had to the protection of life and property. But to what was that owing but to the British Government? It was utterly impossible that justice could ever be done to Ireland without a domestic legislature. The Coercion Bill had been carried through Parliament in the most indecent—the most disgraceful manner; but it could never put down the cry for a Repeal of the Union, or subdue the spirit of Ireland, for the people of that country felt that they were eight millions of men. Everybody was aware that at present Ireland lay prostrate before this House, and could obtain nothing except what she got from the mercy or generosity of England. She had expected much from a reformed Parliament; but in this she was most grievously disappointed. There were in Ireland many combustible materials which might be very promptly ignited. France had already had her three glorious days, and nobody knew how soon she might have three others. The House ought to recollect, that Ireland was the most vulnerable part of the British empire. The great measure which was brought about in 1782, gave comparative freedom to Ireland; it gave her the Habeas Corpus Act and the Mutiny Bill; but above all it gave her a control over the public purse. There was not in Ireland, at present, even the shadow of a government, for the Chief Secretary was necessarily obliged to be an absentee throughout the greater part of the year. The people there would never be satisfied without a parliament of their own, but then they were told by the House that they were not likely to get it. It was true they might not get it at present, but ultimately it could not be withheld from them. Upon the first occasion, when the Catholic question was introduced into the House of Commons, it was at once kicked out, but afterwards the Catholics got all they desired, and more than they expected. The energies of Ireland in this great cause were not to be repressed, whatever message might come down from the Crown, or whatever measures might be taken by the Minister. Some illiberal allusions had been made to the events of 1798 in Ireland, but Lord Edward Fitzgerald, so far from being disgraced by his participation in them, lived in the tenderest sympathies of the people of that country. They still revered his memory, and he (Mr. Ruthven) thought him as much entitled to the highest consideration, for pure, ardent, and unsullied patriotism, as a Russell, a Hampden, or a Sydney. In Ireland, Repeal was sure to become a national question to a man—nay, to a woman. Yes, he would say to a woman, and it was known that men were a good deal influenced by the ladies in their political acts. The very child in the cradle would be taught to lisp the word "Repeal!" The words of Mr. Fox, which he would read to the House, were enough to fix for ever the brand of infamy upon the Union. That great man, speaking of it, said, "The Union is atrocious in principle, and abominable in means; it is the most disgraceful measure that has ever been carried or proposed." The Union itself was a job—a job of the basest description, and when the right hon. Gentleman (Mr. Rice) referred on a former night of the debate to the family of the Jobs, he ought not to have forgotten that that family were as numerous of late years as ever they had been; for bishopricks, commands, commissionerships, and pensions, were as effectual in their way as any of Sir Robert Walpole's bribes, and there was this evil attending them, that they were permanent, whilst Sir Robert paid the money at once, and was done with it. There was even after the Union an hon. Member who regularly received his 500*l.* a-year from the ministerial service money, and who voted accordingly. For himself he sought not the restoration of the Irish Parliament such as it was, and such as the right hon. Gentleman had represented it; but he sought to obtain a domestic House of Legislature, such as would watch over the prosperity of the nation, and such as would be returned by the people of Ireland, if they had their choice free and unbiassed. Was he to be told, in reply to this demand, that Ireland could not produce 300 men who were worthy to execute the duties which ought to devolve upon them? The Union which Ireland desired, and which she would obtain before she ceased to complain, was a federal Union upon an independent principle—they sought not for a separation, which he did not deny would be much more easily obtained were Ireland governed again by such an assembly as he had referred to; but he would ask the right hon. Gentleman opposite (Mr. Littleton) whether Ireland would not be more safely governed and more securely allied to England, under the control of 300 of the wisest and best men who could be found in the kingdom, than it now was under the control of a single man—the Secretary of State for that country? Before, also, any permanent good could be effected for Ireland, an absentee tax ought to be imposed upon all who did not make their native country their habitual abode. The country was now drained of its means to support those persons; and when the people, starving, cried out for bread, their rulers gave them the point of the bayonet. The returns upon which the right hon. Gentleman (Mr. Rice), who, he regretted, was not present, had relied as proofs of the increased prosperity of Ireland subsequent to the Union, were either extremely incorrect, or else very highly embellished by the specious arguments which they were intended to illustrate. The city of Limerick, the right hon. Gentleman had selected as one place which had thriven under the Union; but he could only say, that, in the returns which he had seen of that city, he observed, that where there was one pawnbroker before the Union, there were now forty, and that was anything but a proof of prosperity. In Dublin, too, the criminal prosecutions had increased in an enormous proportion since the Union; and, as for the present state of commerce there, he would simply state that, whilst there were sixty woollen factories before the Union, there were now only ten. There were also upwards of 50,000 people in that city in a state of occasional destitution and distress, and who, in their emergencies, relied wholly on the casual relief afforded them by public subscription. The valuation of houses before the Union, was 794,000*l.*, and in 1830, only 704,000*l.*, showing a falling-off of 90,000*l.* The returns with respect to linens were as fallacious as they could possibly be. It cost nothing for a man to put down his name as exporting 10,000*l.* or 20,000*l.* in value yearly, instead of 600*l.* or 700*l.* England, if the Union were repealed, would flourish in peace and amity with Ireland; but as we were now circumstanced, it was impossible to expect peace or tranquillity. That could only happen when we became amalgamated with Ireland, and Englishmen became Irish, when they came to be looked on as friends, instead of enemies and spies.

Mr. *John Brown* was certain, that even those hon. Members who acted on this occasion with the hon. and learned member for Dublin, must feel, that the course he had pursued, and the arguments he had advanced in bringing forward the measure, were not at all calculated to further the object which he and they had in view. He felt relieved from the responsibility he should otherwise have felt pressing upon him, in addressing the House on this subject, by the circumstance of knowing that, in expressing his own sentiments, he was also expressing those of the large and respectable constituency which he had the honour to represent; and knowing and recollecting this, he would not be deterred from the fearless and explicit expression of his sentiments by any of the sarcasms of the hon. and learned member for Dublin. The House and the country were under obligations to the hon. and learned member for the county of Cork, for the candour he had shown on this occasion; for it was chiefly owing to him that the question of the Repeal of the Union was now brought to the bar of public opinion. Circumstances might soon arise, in the present state of Ireland, which would make it necessary to grapple with the question then before the House; and his Majesty's Ministers, now that it was brought before the House, ought to grapple with it firmly, vigorously, and fearlessly. He (Mr. Brown) had no hesitation in saying, that there were no respectable persons in Ireland who did not contemplate the possibility of the measure passing without dismay. He could state, that, according to his own knowledge, the people of Ireland did not wish for a Repeal of the Union. It was not their question, but solely the question of the hon. and learned member for Dublin. Even of those who did petition for a Repeal of the Union, there was a great number who did so, not because it was with them a question of principle or feeling, but merely because they had been dragged into it by the agitators in Ireland. Were it not that he was afraid of exposing them to the fury and vengeance of an enraged populace, he could mention the names of hundreds of the peasantry even of that country to prove this. He had said thus much, because he knew that all the men of property and respectability in Ireland—all, indeed, whose good opinion was worth having—expected their Representatives to express their opinions on this subject boldly and explicitly. He considered, that the preservation of the Union between the two countries was the only way in which we could bid defiance to our enemies.

Sir *Daniel Sandford* said, the hon. and learned Gentleman, the member for Cork, in presenting a petition in favour of the Repeal of the Union, from certain of the inhabitants of Paisley, took occasion to say, that a considerable proportion of the people of Scotland were friendly to the measure. The statement was altogether unfounded. With regard to the west of Scotland, with which he was most intimately connected, he could state some peculiar circumstances, which would account for a certain number of persons there being friendly to the measure of Repeal. There were, in the west of Scotland, no fewer than 45,000 Irish emigrants, belonging, with very few exceptions, to the Roman Catholic persuasion; and in Paisley, the town he had the honour to represent, there were nearly 11,000 Irish Roman Catholics. It was almost exclusively by this class of persons that the petition which the hon. and learned member for Dublin presented, was signed. It was a rather singular circumstance, that the first question which came before the House on his first appearance in it was the momentous question of the Repeal of the Union,—one of the most momentous questions, he would say, which had, for years, come under the deliberation of Parliament. He came into that House a perfectly independent and unfettered man; he did not belong to either of the parties into which the House was divided; and, therefore, his sentiments were the more entitled to respect. He would give his most decided opposition to the Motion of the hon. and learned Gentleman; and he could assure the House, that, in doing so, he was acting in accordance with the sentiments of the people of Scotland,—a fact which, he trusted, would be shown by the conduct of the Representatives of Scotland when the House came to a division on the question now before it. They had been referred, by the hon. Gentleman to Returns and statistical tables, but he must say, that this was a fallacious way of arguing a question relating principally to the moral condition of the people. Tables of exports and imports might show the wealth of a country, but would they show how that wealth was diffused? He wished that personalities and statistical computations had not mingled so largely with the general reasonings upon the fundamental principles of Government put forth by the hon. and learned Member. His computations were, probably, intended to gratify the ears of the political economists; but his maxims were intended for a different class of persons. He spoke of addressing himself to posterity; but some of his doctrines were intended for contemporary audiences. Much of the opening part of the speech of the hon. and learned member for Dublin seemed rather conceived in the spirit of a special pleader than of a wise and judicious. statesman. The hon. and learned Member was bound to show, in seeking to introduce so great a change in the institutions of the country, that the prosperity of Ireland had been impeded in consequence of the Legislative Union between the two countries; and that now was the time, that now the circumstances were favourable, that now the state of parties, of interests, and of men's minds in Ireland, were all favourable to making so great a change in our policy. But the hon. and learned member, with all that skill which he can command on every occasion, —with all that eloquence which comes at his call,—made a long statement concerning the conquest of Ireland by England, and the title of the latter to dominion. He seemed to labour throughout the opening part of his speech to prove that Ireland had not been soon enough nor sufficiently conquered. It was singular, that the hon. and learned Gentleman should have touched upon so dangerous a topic. Were there not already persons enough prepared to maintain that Ireland had not been sufficiently conquered? Was it necessary thus to supply precipitate and intemperate men with an argument in favour of more thoroughly and completely subjugating Ireland? Great Britain asserted no more than an equality of rights; and as that was a position which the common sense of every man must at once admit, he suspected that, whilst the hon. and learned Gentleman was so largely arguing the title to dominion, the title to property was uppermost in his mind. At least the people might think that some allusion was intended to the tenure and title of property, when the hon. and learned Member discussed the question of the title to Sovereignty. He, therefore, warned the owners of property in Ireland —he warned Protestant proprietors in Ireland—that such a sense might be easily fixed on the words of the hon. and learned Member. He did not mean to follow the hon. and learned Gentleman through the pages of Irish history, from the early records down to the last volume of the *Annual Register*; but it appeared to him, that it was strikingly demonstrated by the whole course of Irish history, that the people of Ireland had been unhappy exactly in proportion to their independence of the British Government, and their dissimilarity to the British character and institutions. Every approach they had made to civilization and happiness had been the produce of their approximation to the character and institutions of this country. In the reign of Henry 2nd, the state of Ireland was one of degradation and misery. Upon what grounds were the swords of the English sent into Ireland? Had the hon. and learned Gentleman forgotten, that their claim was derived from Pope Adrian, who must have been wise and benevolent, because wisdom and benevolence are inseparable from infallibility. On what plea did that Pope give Henry 2nd a sanction to invade Ireland? On the plea, that she was distracted within herself, and that Christianity could make no progress whilst she was a prey to discord. He was to conquer Ireland, in order to add to the number of the saints and of the elect in heaven. In the reign of Elizabeth, Ireland was distracted in precise proportion to the independence of the Irish chieftains. When a gleam of sunshine lighted on the country, in the reign of James 1st, he let it in by putting down Irish customs—abolishing the Brehon law—reforming Irish habits (of which extortion by great political chiefs was one)—and assimilating, as much as possible, the institutions of Ireland to those of England. What, again, was the condition of Ireland in the reign of Queen Anne? There were continual complaints of a divided people,—of a divided Parliament,—of decayed trade,—of neglected agriculture,—of severe enactments against the Papists,—and of the general oppression of the Government? In the reigns of George 1st and George 2nd, the complaints of the subserviency of the Parliament at one time, and of its petulant resistance at another, were continual. In short, till that brilliant epoch, upon which the hon. and learned Gentleman dwelt with so much of his own glowing eloquence, till the year 1782, was there a bright spot in the political history of Ireland? He sympathized with the hon. and learned Gentleman when he dwelt upon the names of the great men who figured at that period. He admitted their wisdom, their eloquence, and the mighty deeds which they attempted to do for their posterity. They established a Parliament in Ireland; but was there no corruption there? Was there in Ireland at that time no misery, no discontent? Were there no inflammable materials which wanted but a spark to light them up into a flame? The terrible explosion which afterwards took place at the Rebellion was to be traced to the period antecedent to that event. The hon. and learned Gentleman maintained, that spies and incendiaries were employed by the British Government to foment the rebellion in Ireland; but could any one suppose, that the great leaders of the Rebellion were the tools of the British Government? What would some of those distinguished men have said, if they could have anticipated the predicament in which their memory had been placed by the hon. and learned Gentleman. What would some of those ardent enemies of British connexion, whose names he would not mention, because there might be Gentlemen present connected with them by blood,—what would they have said, if they had been told, that the time would come when they would be held up to this House, and to the country, as having been the tools,—the mere deceived, deluded tools,—of the British Government? He was not about to contend, that spies and informers had never been employed by British Statesmen. They had been employed at too many periods; they had been the agents of Statesmen in England, as well as in Ireland, and he believed, that it was not till a very recent period in English history,—not, perhaps, till the period of the excellent Home Administration of the right hon. Baronet, the member for Tamworth, that the use of these unworthy instruments had been wholly banished. But was he to believe that spies and incendiaries could have lighted up the flame which burst out in Ireland in 1798? A retrospect of Irish history showed, in his opinion, in a most distinct manner, that the condition of Ireland, prior to the Union, was worse than it had been since. But he should be told, that, whatever might have been the circumstances which led to the Legislative Union, or whatever might be the benefits anticipated from it, to one great evil it had certainly given rise,—the evil of absenteeism. Their attention had been particularly called to that as one of the curses of Ireland, caused by the Union. Individuals who derived great wealth from the country, absented themselves, instead of living in the neighbourhood of their estates, setting a moral example, and looking to the interests of those around them with a fostering care. None were more to be blamed than those who neglected such duties, and abandoned the responsibility and care which the possession of property threw on them. But absenteeism did not commence with the Union. It had been for ages the curse of Ireland. As early as the reign of Richard 2nd, absentees had a heavy tax laid on them. In the reign of Henry 8th, it was proposed, that the penalty on the property of absentees should be three-fourths of their income. In 1782 the clamours of Irish society against the evils resulting from absenteeism were loud and frequent in all parts of the country. Were they, then, to be told, that absenteeism was chargeable to the Union? He would also ask, had there been no increase of luxury, and had not the appetite for luxuries led to an increase of absenteeism in Scotland and England, as well as in Ireland? The love of luxury and the progress of civilization had unquestionably given rise to a disposition for foreign travel. It was worthy of remark, that the Union with Scotland had not given rise to evils such as were attributed to the Union of Ireland; and why? He supposed it must be because they were a more contented and more peaceable people, and were more ready to submit to the authority of the law. In Scotland, there were no agitators,—in that country, there were no individuals who wished to make a trade of agitation. Was there anything in the Union between England and Ireland to make it less palatable to the people of Ireland than was the Union of Scotland with England to the people of Scotland? There had never yet been meted out to Scotland so full a measure of justice as Ireland had received. He referred particularly to the measures of Parliamentary Reform. In the measure for Scotland, she was not treated so liberally as Ireland was. The question was one of property and intelligence, and numbers, and of contributions to the State; and, taking this view of it, Scotland was entitled to a more liberal measure; at all events, she had no reason to be more satisfied than Ireland. The benefits of the Union did not grow up all at once for Scotland; she also had her period of distraction, for she also had her Pretender to supreme authority, who agitated the minds of the people. Scotland's Pretender, too, had his devoted followers; and the means which that gallant body took to advance their object were much more deserving of admiration than were the means resorted to by the followers in the other case to which he had alluded. He had said, that Scotland did not immediately receive all the advantages of the Union; it was not till she was relieved from her political Pretender that she obtained peace, and received the full benefit of the Union. He would invite the hon. and learned Gentleman to go and see with his own eyes. Most happy would he be to act as the guide of the hon. and learned Gentleman upon the occasion; and he could assure him, that he would be received with all that respectful attention that was due to his great talents, his wide-spread renown, and his enormous political influence. Let him go to Scotland, and there see the advantages which that country had derived from her union with England. At the time when the union with Ireland was under discussion, Mr. Pitt referred to the then flourishing condition of Glasgow and other Scotch towns, as a proof of the advantages which were to be derived from the connexion of a poor with a rich country. But what would he have said, if he had seen Scotland at the present moment? When Mr. Pitt spoke, the Scotch metropolis consisted only of some irregular streets, running up the black rock, which was crowned with the castle, and could not have claimed the title it now possessed of the "Queen of the North." Let the hon. and learned Member compare what Edinburgh now was with what she was then, and with what she was some few years past; and ask himself, had Scotland derived no advantage from the Union? Let him look, then, to the West, and compare the present condition of Glasgow with what she was some years since. Then let the hon. and learned Gentleman ask himself, had Glasgow derived no advantage from the Union with England? Under these circumstances, then, knowing the advantages which Scotland had derived from her Union with England, he did not conceive he should be properly discharging his duty if he did not express his fixed determination to resist any attempt to dissolve the Union between Great Britain and Ireland, as a measure fraught with poverty and dissension to both countries.

Mr. *Henry Grattan* said: Sir, the Coercion Bill is an answer to the speech of the right hon. the Secretary of the Treasury. The law which, under false pretences, swept away the liberty of Ireland, and annihilated the Constitution, repealed the Habeas Corpus Act, abolished the Trial by Jury, established military tribunals and created an arbitrary dictator—that law, I say, is an answer to the right hon. Secretary. It is a sufficient answer; it is the only answer that Ireland ought to give; it is the only answer that Ireland condescends to give. But, Sir, the advocate of the people must go further; and though Ireland might rest her case here, he cannot remain silent. There are two difficulties in the way of the right hon. Gentleman—a matter of fact and a matter of right. As to the former, I ask him to look to the state of the country on which the Union, he says, has conferred such innumerable blessings. But I say, *si queris monumentum, circumspice.* Now, as to the matter of right; and here I beg to ask, what right has one country to govern another? I say, none from nature, none from conquest. Conquest gives power, not right—none, then, except by compact, and that compact must be voluntary. I speak of abstract right; for nations may submit, and in process of time nonclaim may constitute title. Try the question according to the principles of the great writers on jurisprudence. Let Vattel, Barlemaque, Grotius, Locke, De Lolme, Molyneux, form a jury, and they must find a verdict for Ireland. The abstract right laid down, the next point is to bring the case of the two countries as near as possible within its limits. We do not seek for the extreme case: we seek a connexion compatible with your security and our independence; and this we conceive is found under distinct legislatures, but with one and the same king. It might have been your compact, but the benefits were withheld from Ireland through your power and injustice. It is true, that the Union may make Parliament more handy for the Minister, but it does not render the empire more secure. To recur to the history of past times is unnecessary, and would be injurious; it leaves a sting without a remedy, and, therefore, I do not follow the example of the hon. member for Paisley, who has just sat down. I shall regard his precept, and shall not follow his example. The histories of Ireland should be burned: they are written in letters of blood: and if we read them for months and speak on them for hours, they are comprised in a few sentences. They are these—your ancestors came to Ireland without right, they took from the people their land, they took from the people their liberty, and they proscribed them on account of their religion. The question immediately before us is not on that subject—it is this, has Ireland got on better since 1800 than between 1782 and 1800? and can the progress since 1800 be solely attributed to the Union? First, I contend, that the Union failed; it is not what it was intended; its promises have not been fulfilled. Look to the Act itself; look to the speeches of Lord Castlereagh and Mr. Pitt. The Union held forth to Ireland the promise of wealth and concord, equal laws and equal liberties—great capitalists were to have gone over, new sources of trade and commerce were to be opened, such as not only to retain her old trade, but acquire a new one. Has this been so?—has Ireland equal laws, or laws similar to England? Has she equal justice, or similar justice?—has she got an influx of British capitalists—new branches of trade?—has she peace?—has she prosperity? You talk of Union and equal liberty—read the Coercion Bill—you talk of Union and equal law—look from the door to the procession of the London trades, and read Lord Anglesea's proclamation against the manufacturers and trades of Dublin. The right hon. Secretary speaks of the prosperity of Ireland. Will he take the trouble of remembering — for having changed his name and being now a West Briton, he may not again behold the state of his former countrymen—will he see it in their deserted factories, falling houses, and ruined families, ragged clothes, and haggard looks? He speaks of the prosperity of Dublin, and her increased rental. Does he know, that yesterday was the day on which the Mendicity Institution was to parade the unfortunate victims of her prosperity through the streets of Dublin, to extract, by exciting feelings of disgust, those alms which the reduced means of the inhabitants had forced them to deny to the necessities of their fellow-creatures, and thus obtain from horror that which was withheld from charity. Will he call this prosperity? When he concluded his six hours' speech, I fancied that I belonged to a new country—a land (his former country) flowing with milk and honey, and that, like the bees from Hymettus, the Irish Members would be scarce able to rise, so encumbered with wealth and riches *Cruro Thymo plena;* but my senses told me it was but a dream, and that the visions were the incorrect sketches of a painter from the Treasury. I submit that the plan entirely failed, and that the machinery, in 1817, came to pieces. The Minister then came down to this House; he declared, all their financial prospects, like their promises in 1800, had failed; that, the additional taxes that were to produce 3,376,000*l.* had failed; that the revenue of Ireland was diminishing, and he proclaimed Ireland a bankrupt. One of the Reports of the Committee states, that while the revenues of Great Britain had increased from 1801, to the proportion of sixteen-and-a-half to ten, the entire revenue of Great Britain, as twenty-one to ten, and the revenues of Ireland, as twenty-three to ten; yet in the twenty-four years referred to, the increase of the Irish revenue was in the proportion of forty-six-and-three-quarters to ten! So that Ireland had increased in permanent taxation more rapidly than Great Britain; in fact, her imperial contribution, the interest of her absentee remittances, exceeding twelve millions, broke her down; the minister proclaimed her bankrupt, and yet at the same breath, under one of the articles of the Union, he moved, that the circumstances of the country would admit of her contributing, indiscriminately, by equal taxes. Thus he declared the incompetency of Ireland, and, at the same time, pronounced her ability to bear equal taxation with England.—The result was, that debts were consolidated—Ireland became liable with Great Britain, to the whole of the debt and the provision in the Act of Union was anticipated by bankruptcy, just as the promises at the time of the Union were defeated by it. I know financial statements are tiresome, so I return to the grand point — the political part of the question — Ireland has to complain not only that the promises held out to her have not been kept, but that every man who has courage to stand up for the liberties of his country is proscribed. The right hon. Secretary adopts this species of political ostracism — he takes his brand, and on every man's forehead, as he thinks proper, he affixes his mark O. He puts every one in schedule O, and marks you out as a most dangerous character. Now, Sir, I beg to say I shall support schedule O, if I think it right, and as firmly oppose schedule O if I think it wrong—this is but the old system under a new form—so it was with Molyneux, his works were burned by the Parliament of Great Britain, the Parliament of the Revolution, the Whig Parliament of the day. But his spirit lived to defeat your principles and assert his own, and as Flood beautifully expresses it "from the flames of his cradle he illumined the isle." Here I stop to mark the candour of the Secretary. He quoted from this work a passage that told for him—but did he read the whole—did he follow his own rule, that if a record be produced, the whole and not part should be read? Now observe, when Molyneux wrote, there was no free Parliament in Ireland, and, no doubt, it were natural to form such an opinion, when there was virtually no Irish Parliament; but Molyneux does not say, I would prefer an Imperial Parliament to an Independent Irish Parliament; he could not mean that, because his work was written in defence of an Irish Parliament, and for that in letter and spirit he contends—the candour of the Secretary would make you think otherwise, and therefore, he garbled the passage he read thus:—" If it be contended, that the Parliament of England may bind Ireland, it must be allowed, that the people of Ireland ought to have their Representatives in the Parliament of England, and this, I believe, we should be willing enough to embrace—but this is a happiness we can hardly hope for." Here the Secretary stopped. Why did he not proceed? Why did he not proceed with the next passage?—Why conceal from the House the following passage:—" Their sending of Representatives out of Ireland to the Parliament of England on some occasions, was found in process of time to be very troublesome and inconvenient, and this, we may presume, was the reason, that, afterwards, when times were more settled, we fell again into our old track and course of Parliaments, in our own country—the laws and liberties of England were granted to the people of Ireland with a design to make them easy to England—and to keep them in the allegiance of the King of England. How consistent it may be with the true policy of England to do that which the people of Ireland may think an invasion of their rights and liberties, I do most humbly submit to the Parliament of England to consider. They are men of great wisdom, honour, and justice, and know how to prevent all future inconveniences. We have heard great outcries, and deservedly, about breaking the edict of Nantes. How far the breaking of our Constitution, which is of 500 years' standing, exceeds that, I leave the world to judge." This was the opinion of Molyneux in a former century, but had he lived to 1800, what would have been his opinion of the breaking of a solemn treaty, ratified, concluded and declared, by the Act of Renunciation passed by Great Britain in 1782, to be for ever ascertained, and at no time hereafter to be questioned or questionable—all which words the right hon. Secretary, in alluding to this Act, has suppressed. What would Molyneux have thought or said of such a proceeding, the Treaty of 1782, broken in 1800, by the aid of 120,000 bayonets, and 1,500,000*l.* of money. What would Molyneux have said of those that preach to us about the cant of national faith, or the cant of national fault? Where was it then — on whose side was it now?—But was Molyneux the only victim? His successor nearly shared the same fate. Swift, too, had the temerity to assert the rights of his countrymen. His works were prosecuted; a reward offered for the discovery of the author. Next came a character of another description. Ireland had the Doctors in Law—Ireland had the Doctor in Divinity, (strange occurrence,) the advocates of her freedom; and next appeared the Doctor in Physic—but nothing would go down with the British Minister. Dr. Lucas tried it. He, too, was prosecuted for his writings; he was at once indicted in the King's Bench, and for the same offence prosecuted by information. Moreover, he was banished his country, but he soon returned and triumphed over that very Lord Lieutenant, under whose reign he was banished, and that was the Whig family of Devonshire. Ireland justly says now, as she said then, you may be very good British patriots, but you are very bad Irish Kings. In fact, we complain, that any man who asserts Irish freedom has been prosecuted. Even in 1782, it was said, that a letter came from England with this singular passage, " Is there no one can stop that madman Grattan?" The Irish patriots were attacked then, just as the right hon. Secretary attacks us now—the language, perhaps, was rather more polished. The words "nonsense," "rubbish," "lunatic," did not so frequently occur; but there was some similarity; and in Mr. Burke's letter to Mr. Burgh, he says, "Lord North attributed the Irish proceedings to us, and they asserted, that every thing that had been done in Parliament on the subject, was with a view of stirring up a rebellion The Ministers proceeded in your affairs just as they did in those of America. They always represented you as a parcel of blockheads without sense or even feeling; that all your words were only the echo of faction; that you had not understanding enough to know that your trade was cramped by the British Parliament, and spoke of nothing but an Act of Union, as the only way that could be found of giving freedom of trade to Ireland consistently with the interests of this kingdom." Gentlemen have talked of Ireland, why did they omit to state her services? why did they state every thing that was adverse, and refrain from stating what England owed her? Ireland, in 1753, paid off a large debt, and had a surplus of 260,000*l.* in the treasury; in 1761 she was able to keep an army of 24,000 men in pay, of which 16,000 remained at home for the defence of the country, and 8,000 were sent to fight the battles of England abroad; she sent 33,000 recruits, her own natives, to fill up the British regiments, and spent above 600,000*l.* for the support of the war in Germany; this was before 1782. It is easy for the right hon. Secretary to forget those services, or to suppress the statement; but I am not equal to that duty—let me state what was the opinion of Mr. Burke, the individual from whose writings the Secretary quoted—what did Mr. Burke say of the conduct of the men who are considered as men devoid of wisdom, foresight, or statesmanship? Mr. Burke, in his letter to Mr. Burgh says, alluding to the Volunteers, 'Ireland has obtained, solely by 'her own efforts, the fruits of a great vic-'tory, which I am very ready to allow the 'best efforts of her best well-wishers here 'could not have done for her so effectually 'in a great number of years, and, perhaps, 'could not have done at all, what was done 'in Ireland during that period, in and 'out of Parliament—never will it be for-'gotten.' With what indignation, then, must we not burn, when we hear the noblest periods of our history misrepresented and traduced, and the efforts of our patriots considered the acts of lunatics? Here is the answer; let Mr. Burke speak for them—I only add, that I rejoice, that the right hon. Secretary has, with these new sentiments, adopted a new name, and has, of himself, assumed the more appropriate appellation of "West Briton." But, Sir, I beg to refer to what Ireland did at her Revolution—Ireland, in 1782, passed a Habeas Corpus Act, passed an Act rendering her Judges independent, repealed the Perpetual Mutiny Bill, repealed the Perpetual Revenue Bill, repealed the Law of Poynings, and obtained a power to originate her own laws; got repealed the 6th George 1st, and obtained a power to make her own laws; obtained her final judicature and the jurisdiction over the property of the kingdom;—were these things to be passed over or suppressed, was that all?—No, she was generous, and voted 20,000 seamen for the British navy, and 100,000*l.* to aid them. What was the operation of her independence?—her trade increased, her revenue increased, she soon got rid of her debt, and she had a surplus in the Treasury, and the acquisition of wealth accompanied the blessings of freedom. But one thing the right hon. Secretary did omit, for which I charge him home—he attributed to the Imperial Parliament the merit of assisting on behalf of Ireland, the principles of religious freedom, and he suppressed the services of the Parliament of his own. Why did he omit this?—did he forget the Acts the Irish Parliament passed in favour of the Catholics? They struck off the fetters that British Acts and British bigotry had forged for the Catholics; they gave them the rights of men, and bad as that Parliament is reputed by him, yet that Parliament of his own country, gave to his own countrymen religious liberty; and has he forgotten it, and, unintentionally, no doubt, omitted to state it? Is this just?—is this acting like a man?—is this acting like a Statesman? Shame upon it—if your countryman lies dead, throw the soldiers' cloak over the body, and do not suffer every pelting boy to fling his filth upon his remains; recollect he was your brother, and he fell gallantly fighting the battles of his country's independence. Gentlemen have adverted to three subjects, which they declared proved the incompatibility of an Irish independent Legislature with a British Parliament, and with the security of the empire—the Portugal question, the Propositions in 1785, and the Regency in 1789. What were the facts? Ireland had a right to trade with any colony of Great Britain, or with any country to which Great Britain traded; and if her manufactures were prohibited, or heavy duties imposed, it was the same as if imposed on Great Britain; and the King, as arbiter of peace and war, had the same powers and duties to perform with regard to his Irish subjects and their properties, as with regard to those of Great Britain. The Irish Parliament showed it was fully adequate to the emergency: by the same firmness were the propositions in 1785 got rid of. In 1789, the Regency came on; this was the great objection made by the Secretary: he represented it as a proof of the impossibility of the two islands agreeing; and what was the point? Simply this,—whether the Regent should have a right to create Irish Peers. The question which the right hon. Secretary would make you believe would have severed the connexion, was, that the two Parliaments agreed on the person of Regent, though they differed about the precedents. Ireland proceeded by Address to the Prince of Wales: England by Bill. England restricted the Regent in the power of creating Peers, or appointing to office or pension, except during the life of the King: Ireland did not reserve that power. Mr. Pitt's plan may have affected to be of a more democratic character—that of the Irish Parliament was more in accordance with the principles of the British Constitution; but surely the House must remember what Mr. Sheridan said on the subject, when he revealed his private opinion of Mr. Pitt's conduct, and declared the whole was a mere contest for power. In fact, there was no real danger—the danger, if any, could be remedied by a law; for, as the King of England was *de facto* King of Ireland, the Regent of England could easily be declared to be also Regent of Ireland. In fact, we proposed it in the Irish Parliament, and brought in a Bill for the purpose of settling the matter. I contend there was no real danger, though to others there may have appeared to be some apparent difficulty. But they say your Constitution of 1782 failed. I answer, it would not have failed if the Minister had not conspired against it; but you did more, for you made the Minister not only buy the Representatives, but torture the people. He introduced a new phraseology—vassalation—strangulation—flagellation—horrid names, to be found only in the Pitt-Castlereagh calendar; and Ireland lost her Constitution when her Minister became her hangman. Sir, the next point is the state of Ireland as to trade; and I contend, if you compare the advance of Ireland under her free Constitution of 1782, you will find how much greater she increased in proportion than since 1800. I beg to state first the amount of her exports. The hon. Member read the following statement—

Her exports—Official value.

1782	..	£3,375,692	
1785	..	3,700,000	In seven years, under an independent constitution, an increase of near two millions.
1792	..	5,300,000	
1811	..	5,471,000	In ten years, under the Union, only 171,000*l.* increase.
1820	..	6,291,275	In twenty years, under the Union, only 1,008,725*l.* increase.
1826	..	8,454,918	In 34 years, under the Union, only 3,154,000*l.* increase.

The exports in 1810 are little more than what they were in 1793; but if they had increased in the same ratio as between 1783 and 1793, they would have amounted to near seven millions; and if they had gone similarly on to 1826, they would have been fifteen millions instead of eight, and this too without reference to the population, which was from three to four millions, and, in 1826, from seven to eight millions; so that while the population doubled, the exports only increased three-eighths, and the imports but three-sevenths; from four millions one hundred in 1793, to seven millions one hundred in 1826. I next take the linen-trade. Of linens, Ireland exported in the year

1782, 25,000,000 yards, value	£1,600,000	In 14 years, an increase of 22 millions.
1796, 47,000,000 yards, value	3,113,087	
1811, 36,890,971 yards, value	2,460,000	

Next, Sir, in manufactures, under her free Constitution, Ireland made a more rapid increase even than England. The manufactures of Ireland, in 1706, amounted in value to 500,000*l.*; in 1783, to 3,000,000*l.*; in 1796, to 5,000,000*l.* In 1706, those of England amounted in value to 6,500,000*l.*; in 1796, 50,000,000*l.* Thus, England increased in the ratio of less than eight to one, and Ireland in the ratio of ten to one. Next is the revenue of Ireland. Her nett revenue was, in

1790,	..	..	£1,184,684
1796,	..	..	1,376,980

That is an increase of nearly 200,000*l.* See what it was under the Union—

In 1803,	£3,318,460	Increase in eight years of only 281,761*l.*
1811,	3,600,221	
1825,	3,696,090	Increase in 22 years of only 374,000*l.*
1834,	3,814,374	Increase in 30 years of only 496,000*l.*

Whereas, under the operation of the independent Constitution, it had, in six years, increased near 200,000*l.*, while, under the

Union, in thirty-four years, it only increased 496,000*l.* Examine her debt; and see the rapid approach to bankruptcy. It was, in

1792,	£1,718,240	
1796,	4,841,856	In this year her exports were 5,300,000*l.*
1798,	10,128,906	
1800,	24,207,290	
1811,	89,728,992	In this year her exports were 5,471,000*l.*
1815,	148,000,000	

and in the year after this her inability to pay taxes was announced, and her bankruptcy was proclaimed by her minister. I could go further, and show how the Articles of Union were infringed, or explained away, and though coals were only to be charged such duty as they were subject to at the Union, yet by the construction of the 6th article of Union, by the British Attorney-General, Ireland was forced to pay double duty laid on coal; he gave his opinion that this clause of Lord Castlereagh was unintelligible—that the clause he drew up was "nonsense;" but it was a nonsense decided against the weaker party, and Ireland was forced to pay the double duty imposed; and this additional duty, amounted between 1804 and 1833, by the paper on the table of the House, to the sum of not less than 800,000*l.* The Secretary states the wealth of Ireland. I refer him to Mr. White's pamphlet, who states, that in one parish in Dublin, out of 23,918 population, 17,000 are paupers. Let him read the statement, that among 1,762 persons there were only fifty blankets to cover them. Let him read the statement of the sick and indigent room-keepers; of the meeting of the clergy of the diocese of Mayo; the evidence of the agricultural committee of the state of the province of Munster; the list of Irish vagrants passing from Liverpool—1815, 3,847; in 1818, 6,614; in 1827, 7,988. Are those the proofs of increasing prosperity? The right hon. Secretary spoke of Dublin and the liberties, and stated how many were unemployed; I was in amazement; he stated 200 weavers. I hold a list from the Mendicity Society in 1826, of persons admitted—of weavers, 423, and of manufacturers altogether, 647. I know, of my own knowledge, that close to the liberties there stood two tan-yards some years ago; they are vanished; a cotton factory—it is gone; a dyeing factory, gone. A house that let for 47*l.* a-year, now lets for 8*l.*; this is the right hon. Gentleman's idea of the value of Dublin property! In Trinity-street, the centre of Dublin, a house at a rent of 90*l.* a-year surrendered to the landlord from inability to pay the rent. In Stephen's-green, a house on a forty-five years' lease, at a rent of 20*l.*, sold for 484*l.* Nay, within a few days, close to the parts of Dublin described by the right hon. Secretary as so improved, there were three Irish acres subject to a rent of 70*l.*, and on a bishop's lease, on which upwards of 100 houses could be built, and it was sold for so low a sum as 500*l.* What, then, becomes of the statement of the right hon. Gentleman, as to the prosperity and increased value of property in Dublin? Sir—the right hon. Gentleman is fond of quotation; he quoted from the Irish parliamentary debates to show the system then pursued; he alluded to the Scrambling Committee and the family of Job. There may be scrambling committees in a British as well as an Irish parliament, and jobbers after as before the Union. The sale of a writership and the conduct of Lord Castlereagh and Lord Clancarty are on the records of parliament, though they may be forgotten by a Secretary of the Treasury; but when he read the first part of the life and adventures of the Job family, why did he not give the conclusion, and why did he omit this passage—"from the court physician to the itinerant quack, they have flourished in proportion to the wealth and generosity of the country where they have resided; and though the country cannot boast of having been visited by many of the offsprings which public spirit has borne of a worthy father, yet many of the Jobs, by self-interest, have come over from a neighbouring kingdom, and have, with great success, played upon our virtues and our weaknesses; they flattered us by telling us we were rich; they amused us by pretending to increase our riches; they applauded our generosity, and, to give us an opportunity of showing that we deserved the compliment, they have been very free in soliciting favours." Surely the right hon. Secretary need not have omitted this. In holding up the mirror to this side of the House, to discover a likeness, he forgot that we must have perceived in it a reflection from the other. So I say, to finish the picture, and proceed with the narrative of the Job family. It goes on—"One of this hopeful progeny some time ago found a hoard of money, which, as is a common case, betrayed him into strange inconsistencies, so that some persons did not scruple to say he was beside himself. It was his custom, some time or other, to sally forth, attended by drummers and trumpeters, and a licentious and disorderly rabble, crying out, my country, my country. The little boys ran; the women above fell into fits; but at last he sat down with his associates about him, treated them with whiskey and tobacco (and a speech of six hours), till they could neither see, speak, nor stir, and declared that Ireland was the happiest country in the world, that all ministers were patriots, and alluded to nothing but establishing liberty and rewarding merit." Sir, the House heard the right hon. Secretary state the very great benefits which Ireland had received from 1801 to 1815—61 committees of inquiry and 114 reports on Irish affairs. This was followed by great cheering on the other side. He stated a variety of other services rendered to Ireland by the various parliaments and various administrations since the Union. It has happened that, on referring to our debates, I found a speech of the right hon. Gentleman, made in 1822, on a motion regarding Ireland; and the following is one of the passages which I take leave to read. The right hon. Gentleman, or rather the hon. Member (he was not then in office), asked of the government of the day, "What boon had Ireland received, with the exception of the Window-tax, which he admitted was a great boon? What had been done from that time?"—A system of Coercive-laws had been pursued. He would ask, was the Tithe Bill any effectual remedy for the evils arising out of the Iirsh Church Establishment? What, then, had Ireland received, after all the promises held out to her?—A mere measure of police, and an efficient Tithe Bill, calculated less to tranquillize than to irritate."—"Why were anonymous communications to be laid before Parliament?—and how could they be decided on?—"He would now read to the House a few words from the recommendation of the celebrated Lord Bacon, in speaking of the mode of rendering Ireland happy and prosperous. It consisted of four points—first, the extinguishing the relics of war; second, the recovery of the hearts of the people. Now, he would ask the House, and the Members of all past Administrations since the Union, whether any one measure had been set on foot, which had for its object the recovery of the hearts of the people?"—"He demanded of the House, whether the Insurrection Act was the true mode of removing the roots and occasions of new troubles?" And if the Insurrection Act was not likely to have that effect, he would ask, which of the nominally remedial measures that had been introduced of late years, was calculated to remove the roots and occasions of new troubles?"—"Ireland had always met a formidable antagonist in the person of the Chancellor of the Exchequer for the time being. Whatever might have been done for the lower orders of that country was rendered of no avail by the counteracting of the right hon. Gentlemen who presided over the taxation of the country. How did the case stand?—what encouragement did the people generally receive?—if they built a house, it must be with taxed timber;—if they enjoyed the light and air of heaven, it must be through taxed windows;—if they wished to enjoy the warmth of a fire, it must be at a taxed hearth;—if they were desirous of drinking any liquor stronger than water, they could only indulge them by paying a tax."[*] And now, Sir, this is the man of sixty-one Committees, and 114 Reports. Sir, I beg to observe, that the right hon. Member alluded to the late Mr. Grattan; he cited his last advice, and thought to impress the House with the idea that he was against a Repeal of the Union. I beg to refer to that advice; there is not one word about the Union in it, but there is about the connexion. He recommended "the two countries never to separate, and that Ireland should never seek any connexion except with Great Britain." I drew up the paper, and am bound to say, that Mr. Grattan did apprehend much danger; but it was on account of the delay of Roman Catholic emancipation, and not from a Repeal of the Union. In 1810, in his answer to the address from the Dublin grand jury, and in another from the freemen and freeholders of Dublin, he says, "I shall present your petition and support the Repeal of the Union with a decided attachment to our connexion with Great Britain, and to that harmony between the two countries, without which the connexion cannot last. I do not apprehend I impair either when I assure you that I shall support the Repeal of the Act of Union." Those sentiments, I declare, he never, to my knowledge, altered to the last moment of his life. Sir, I conclude, I am for the connexion; but I complain, and Ireland complains. We think you have not time to attend to our business;—we think that your measures are defective—the measures as to our tithes, subletting, our tolls, our bogs, and, above all, our civil and political liberty,—that word which never once escaped the lips of the right hon. Secretary,—that word Liberty! We say our liberty is extinguished; we say our country is deserted—our nobility mostly gone—our gentry in a great degree—our tenantry departing—the Protestants of the north as the Catholics of the south—the best peasantry are emigrating. We submit, that the absentees have increased prodigiously since 1800, and the rental which was two millions then, is four millions now. Ireland cannot bear this drain, and to the Union she attributes its increase. We apprehend much danger in case of a continental war. If the minister should there proceed to recruit, and he erects his standard, let him chose his motto: if he takes "Resist to the death," he will have but few followers; if he assumes even the motto of "Extinction of Tithes," and proceeds south, he will have no followers, and will be laughed to scorn; but if he unfurl the flag of 1782, he will have millions in the ranks. We submit this is a dangerous experiment. I am against the continuance of a system that produced in Ireland nothing but discord. I am against a system that began six hundred years of oppression, and ended with two of flogging. I am against a system that cheated Ireland out of her constitution of 1782—that cheated her in 1795, and cheated her again in 1800—I am against a system of chequered governments, that sets one man a spy or guard upon another—I am against a system that promised emancipation in 1800, and delayed it for thirty years, and then only conceded it to force—I am against that system which promised amelioration of tithes in 1800, and afterwards confirmed them at the point of the bayonet, and levied them in the blood of the people—I am against a system that annihilates, no matter under what pretext, the freedom of every Irishman, and deprives him of the rights and liberties of a Briton. I will not fight for such a system of Government; Ireland won't fight for such a system of Government; if his majesty puts a sword by our side, he must put a padlock on the hilt; but give Ireland her charter of liberty, restore to her the charter of independence, and she is willing to bleed for Great Britain—you will not only have her hand, but her heart; and she will stand or fall in the battle for the connexion of Irish independence and British security.

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[*] Hansard (new series) vii; p: 1536-1542.

Mr. *Lambert* commenced by observing, that he had waited with great anxiety during two nights for the presence of the hon. and learned member for Dublin;—and were it not that he had positively ascertained that he (Mr. O'Connell) was now within the precincts of the House, and had he not taken every pains to inform the hon. and learned Member that he was about to address the House on matters connected with his political career in Ireland, he would have thought it his duty to have further postponed the observations with which he was about to trouble them. The hon. and learned Member was not in his place, as the House might perceive; but he appealed to them, whether he had not done everything that a Gentleman should do in a case of the kind, in giving notice to the hon. and learned Member that he was about to make some comments on the system of agitation he had thought fit to pursue in Ireland. He owned he had expected, after all the excitement which had been created in Ireland—after all the expressions used both by the hon. and learned member for Dublin, and his colleagues in agitation, with a view to incite the Irish people—after all the solemn pledges that had been given, and after all the promises that had been made—the House would have had something more of a decided and distinct Motion on the great question of Repeal than a mere Resolution, or a motion for a Committee of Inquiry into the means by which the Legislative Union was effected, and into its effects on a certain portion of the people of Ireland. In his opinion, the hon. and learned Member might just as well have moved for a Committee of Inquiry into the means by which the invasion of Ireland was effected. But it struck him that the real state of the question appeared from the following facts:—Some time ago the hon. and learned Member called on the people of Ireland to supply him with two millions of signatures in favour of Repeal. How many responded to that call? Not one-twentieth part of the number which he so solemnly declared would be necessary to enable him to bring forward the question in that House. The fact was so, and on the part of the Irish nation he claimed the defalcation as a mark of the sound sense of his countrymen. Every pains that could be taken, every possible exertion that could be used, was had recourse to to procure Repeal Petitions; and yet how many questions were there which, without exciting half the attention the present subject had excited, had been supported in that House by Petitions, not only much more numerously, but much more respectably signed! In fact, he thought himself justified, from the circumstance of so few petitions being presented on the subject, in asserting that the attempt of the hon. and learned Member for Dublin, to extract a decided opinion on the part of the people of Ireland had, as far as it had gone, proved a most complete and signal failure. After the triumphant, able, and satisfactory speech of the right hon. Secretary for the Treasury, a speech which every man of common sense must admit set the question totally at rest, he should not trespass on the indulgence of the House by entering upon the financial part of the subject before them, but content himself with stating a few facts connected with its general bearings, which had come under his immediate knowledge. But before he proceeded to do so, with the permission of the House, he would go rapidly, and he promised he would do so very rapidly, through the statements of the hon. and learned member for Dublin, relative to the condition of Ireland previous to the Union.—[Mr. O'Connell entered the House].—By a reference to the Journals of the Irish Parliament from 1782 to 1800, it would be at once seen, that the tables of that House were loaded with Petitions containing expressions of general distress and misery. There was scarcely a trade which did not find it necessary to appeal to Parliament for assistance in distress, and for a remedy of grievances. And, notwithstanding such was the fact, the period to which he alluded was the one so constantly referred to by the hon. and learned member for Dublin (whom at length he was happy to see in his place) as "the green spot in the history of Ireland,"—"the oasis in the desert," and in such like highflown terms. Why, at the very period to which he alluded, Ireland was groaning under the iron dominion of a few aristocratic families, who so completely monopolised the Government of Ireland, that on the occasion of a new Lord-lieutenant going over, they told him that if he attempted in any way to interfere in the management of the country, he would find it impossible to retain his office. It was absurd to say, that Ireland enjoyed anything even bordering on prosperity at the period to which he referred. With respect to the county which he had the honour to represent, he begged distinctly to state, that the condition of its farming interests had most materially improved of late years. He could not remember what the condition of those interests was before the Union, but since the enactment of that measure, they had been constantly and steadily improving in each and every respect. He had now before him a letter from a gentleman of most liberal principles and large fortune, who had for many years resided in the county of Wexford, and in it was stated a fact which he thought spoke much in corroboration of what he had just mentioned. His correspondent informed him, that at the time of the Union there were but ten or twelve small coasting vessels belonging to the port of Wexford, the sole freightage of which consisted of malt for Dublin, or coals for Wexford; but that, at the present moment, there were 100 sail of vessels belonging to the town trading in all manner of provisions to Liverpool and the ports of the British Channel. Again, before the Union, there was not a single opulent trader in Wexford, while at the present moment it contained a most respectable body of independent high-minded merchants. He had heard a great deal of the revolution of 1782. A revolution it unquestionably was. The sequel proved it. That revolution illustrated beyond all dispute, that if there existed two Legislatures, they always would be rivals, and that collisions could only be avoided by concession. Collisions between the English and the Irish Parliament were prevented from 1782 to the period of the Union; but how, he asked, had they been prevented? It was by the most unblushing, undisguised, profligate, and infamous corruption, carried on to an extent, and with a reckless impudence which had never been witnessed in any other country of Europe. There were no other means of preventing collision, no other means of carrying on the public business in Ireland. He deprecated such a system as much as man could deprecate it; but still he would maintain, that under the circumstances of two rival Legislatures, it was unavoidable, and absolutely necessary to adopt the system of corruption. He would suppose, for the sake of argument, that the Union was repealed, and that there were two Parliaments, the one sitting at Westminster, and the other at College-green. If the King of England should think proper to declare war, which was within his province, the Parliament of England might refuse him supplies; and thus the Constitution supplied a check against an unreasonable exercise of royal authority, as well as a check against an extravagant expenditure of public money. But if the King of England, who was also King of Ireland, *de facto*, should declare war, and the Parliament of England should approve of the declaration and vote the supplies; and if the Irish Parliament, under certain influences, should not approve of the war, and should not vote supplies, it followed simply that the King and Parliament of England were at war, whilst the King and Parliament of Ireland were enjoying a state of profound peace. He put it to the House whether there was any means of preventing this? There were other cases of equal difficulty and absurdity that might be put to the House. If the Irish Parliament were not to have the power over their local taxation —if Ireland, if the Parliament of Ireland, were not to have a control over its financial, commercial, colonial, foreign, and domestic policy—he should like to know what sort of a Parliament the Irish Parliament would be? He would ask any man if it could be a Parliament fit to be called an independent national Parliament in which the great interests, all the permanent interests, of the State might be determined? Was this Parliament to be controlled by an English Parliament, in which there would not be one single Irishman to vote? And yet they were to be told, that this would be one of the great benefits to be derived from the Repeal of the Union. The British Parliament, without one single Irish vote in it, was to be supreme over this independent national Parliament of Ireland. He, for his part, could not bring himself to conceive anything so truly ludicrous. If the Irish Parliament were to be really independent, and in a condition to resist the Parliament of England. [*"No, no!"*] Well, then, it would not be in a condition to resist, and this was what the hon. and learned Gentleman called independence. But he would suppose, that it was in no condition to resist the Parliament of England, and allow him, then, to ask the House what the Irish Parliament would be but a mere registerer of details—a mere paltry provincial assembly, in the mildest sense of the word —a mere provincial meeting to discuss local interests and village politics? If it were not to be an entirely independent Parliament, in what situation was Ireland to be placed? Was it this miserable shadow, this wretched pretence, this mean and paltry mockery of a national Parliament, that was to conjure Ireland into what she ought to be? Was it this that was to make her

——Great, glorious, and free,
First flower of the earth, and first gem of
the sea?

[The hon. Member imitated the hon. and learned member for Dublin, and the House on several occasions was convulsed with laughter.—*Cries of "Hear, hear," from Mr. O'Connell.*] The hon. and learned Member cried, "Hear, hear," but he (Mr. Lambert) answered in seriousness, and must say, that if such a mockery of self-government was forced upon Ireland, he should declare, that the "time for talking had passed, and that the period of action had commenced." But, for the sake of argument, he would just suppose, that all these little difficulties were got over. He would take it for granted, that the present House of Commons was actually stultified, that it had lost itself, and had lost all reasonable views of the interests of the empire. He would imagine for a moment, that the King's Government of the day was so totally lost, as to admit the fall of England —that it was willing to let England fall so low in the scale of nations, as to submit to the establishment of this separate independent Legislature. He would suppose all this, and, to use the language of the hon. and learned member for Dublin, he would admit, that the mere brandishing of eight millions of short sticks would control the Parliament; and what, he asked, would be the result—he meant under present circumstances? He had admitted a great deal in supposing the matter carried so far; but all this at the present moment might be conceived. If, then, the Irish Repeal Parliament were sitting at College-green, what would be its first measure? Why, according to the view and the prophecy of the hon. and learned member for Dublin, the very first measure of the College-green Parliament would be the placing of prohibitory duties upon everything. What would follow next? A prohibitory duty on the part of the English Parliament against the importation into England of Irish agricultural produce. But then, said the supporters of the Repeal, "Oh no, John Bull could not be so foolish as to starve himself; he would continue, as heretofore, to import the produce of Irish farms, and, if he did not, why then the produce would be consumed at home." Yes, the produce would be consumed; but would it be paid for? John Bull, in his opinion, would be apt to supply himself from other parts of Europe, and he (Mr.

Lambert) most humbly apprehended, that Irish farmers would not be very willing to cultivate lands, or to fatten cattle, if persons were to help themselves from the produce of the farm on "great, glorious, and free" principles. He strongly apprehended, that the Repeal Parliament would do all this. He found, that at a public meeting of the vintners of Dublin, held in December, 1832, one of the inducements held out by a learned and popular Orator—one of the inducements which he held out to the people, to make them follow up with spirit and resolution, the principle of Repeal, was the following:—"In 1792, a law was brought into the House of Commons of Ireland, for imposing penalties on all workmen who should enter into any combination against their masters. But the trades assembled from every quarter and street of Dublin, and from a circuit of more than twenty miles. They amounted, said the learned and Popular Orator, to at least 50,000 men, and they all marched in a body into College-green, and they called out the Speaker. They called out the Speaker merely to tell him their minds—and to forbid the passing of such a tyrannical unconstitutional law. The Speaker had to leave the chair, and come out to them in his wig and gown—and to hear all that they had to say; and he was obliged to declare, and upon his honour, that, although this tyrannical and unconstitutional Bill had passed the House of Commons, it should never pass the House of Lords. The fifty thousand worthies upon this gave—three cheers; they then threw up—their caps, and they then went home—with the greatest good humour." This is the way (continued the learned and Popular Orator,) that things might be once again if we had only our own Parliament, for all trades would be then flourishing and powerful, as they ought to be; and no bad laws would be suffered to be brought in, but everything would be settled on the spot—settled on the spot peaceably and satisfactorily. He always found, when a question, when a dilemma or scrape, arose, the weak or vulgar fellow went to the wall, or was driven to it by the partisans of liberty and equality. But the same principles had been asserted from a much more formidable authority. He begged leave to state to the House—and he prayed the House to do him the favour to recollect it—that in a passage of the Irish speech of the hon. and learned member for Dublin—he said Irish speech, for the Irish speeches of the hon. and learned Member were very different from the speeches he delivered in Parliament—he had recommended to the Irish people a species of influence which he (Mr. Lambert) would shortly describe. In all that he stated relating to the hon. and learned Member he should, in every instance, name the newspaper, the date, place, and circumstances; and this would give the hon. and learned Member a fair opportunity of setting him right if he were in error. He was now going to advert to a scene that had once taken place at a Roman Catholic chapel in the county of Kildare. Before he proceeded, he must pause to express his sincere and very deep regret, that such opportunities should be chosen for the expression of sentiments—that such a place as a place of worship should be selected for the display of such scenes. He took his cases from the *Pilot* Newspaper of Monday, December 2nd, 1832, and he supposed, that the *Pilot* was the official gazette. "A Meeting was held in the open air; a platform was erected at the upper end of the new Church, from which Mr. O'Connell," said the Paper, "addressed the people." The moment Mr. O'Connell was seen by the crowd, which was not less than 50,000 persons, the air was rent with repeated shouts and acclamations of enthusiastic delight. The hon. and learned Member for Dublin, according to the *Pilot*, said to the people, "Why should not Parliament be now sitting in College-green, and if your Representatives were then doing wrong, you could all take your short sticks some fine morning, and go up and tell them to act honestly and right?" He (Mr. Lambert) was perfectly aware, that this was mentioned in the House last night; but it was a matter of such very deep importance, especially in conjunction with other circumstances, that he thought it right to repeat it. The hon. and learned Member had then said, that, "if the Union were repealed to-morrow, only imagine two hundred and fifty Gentlemen here, all taking houses in our city, all of them furnishing each house from the garret to the kitchen; there would not be an artisan or mechanic in our city unemployed." Two hundred and fifty Gentlemen—Gentlemen! Gentlemen! Gentlemen! Why the very supposition of being a Gentleman would be more than sufficient to exclude a candidate from any place. He would repeat it. He spoke upon the supposition, that the Repeal of the Union was carried. Now, he was quite sure, that such would be the case, whatever it might be hereafter. He would maintain, that the very lowest landlord or person qualified by the courtesy of that House to exhibit his qualifications would be deemed at such an Irish election to be, by far, too aristocratical for a seat in the Parliament of 250 Gentlemen. He was aware, that there were many persons who honestly and conscientiously thought, that the Repeal of the Union might be carried with perfect safety to both countries, and with singular advantage to Ireland. He would ask such honourable men, if they found the hope of carrying their measure to be perfectly vain—if they found that measure totally impracticable—whether they would lend the sanction of their honest names for the purpose of prolonging that excitement, which was destroying their unfortunate country, and which prevented those practical advantages which might be, and must be, conceded to Ireland if the lamentable and mischievous agitation were at an end? Such honourable men might be right, and he might be wrong, with respect to the Repeal of the Union, could it be repealed; but he asked of them, when they knew, by the decision of that House, that Repeal was utterly hopeless and impracticable, would they lose for such a delusion, the benefit of all which was practicable? He rejoiced, that Ministers had put the question on its proper basis. The question was, should the Union between the two countries be dissolved or not? If this were negatived by such a majority as to render the success of the question utterly impossible, he again asked hon. Members, whether they would continue to tear their wretched country in the manner in which it was now torn, without the slightest prospect of any good? There was another point upon which he would perform his public duty, although, in the performance of that duty, his feelings might be misunderstood in that House, and his conduct misrepresented, as he knew it would be, elsewhere. He should do all in his power upon this point, to confine himself to the public question; and if he should err, he prayed the House to make allowances for the very peculiar and most painful situation in which he stood. He alluded to the agitation which had been kept up in Ireland, and which he believed, solemnly believed, with the most shameful views. He must entreat the House to mark the wide distinction which existed between the agitation which now prevailed, and that agitation which was carried on formerly for the purpose of accomplishing Catholic Emancipation, or obtaining the Reform Bill. The characters of these two agitations were widely different. In the one it produced no outrage. It was supported by men whose character and estates in the country were a warranty for good conduct and honest intentions. What was the character of the present Repeal agitation? He would illustrate this part of his subject by commencing with the county of Kilkenny, the county, the outrages in which had first given occasion for the Coercion Bill. In the county of Kilkenny the disturbances commenced by the agitation got up for the purpose of defeating the return of the Noble Lord who had accepted of the office of First Commissioner of Woods and Forests. This agitation had been got up by means hardly credible, but which would sooner or later meet the light of day. Every social relation of society had been disturbed, and the whole county was in confusion from one end of it to another, and this for Repeal and for nothing else. The spirit spread from county to county, and all industry, prosperity, and security were at once at an end. He would ask what were the causes of this predial agitation? To such an extent had it been carried, that the venerable and most respected Roman Catholic Bishop of Waterford had been assailed and pelted with stones. Another Bishop had been protected solely by the interference of the Sheriff, and this merely because he differed from the crowd on the subject of Repeal. The Catholic Bishop of Kinshilla shared a similar fate, and the Clergy in general were treated in the same way whenever they refused to lend themselves to the delusions of the people on the subject of Repeal. He was far from being an advocate for priestly domination; but he was sorry for this treatment of the clergy, for he believed, that the Catholic priests were always ready to lend their influence for the preservation of the public peace, and for the protection of property and the safety of persons. What was the object, the real object, of the hon. and learned Gentleman in exciting such agitation? Not the object of Repeal. No; his design was, to stir up a hatred of the English, to excite in the lowest of the populace a thorough contempt and hatred of the English Parliament, and to hold it up as totally incompetent to do justice to the people of Ireland. His language for ever was, that the British Parliament, even under the most favourable circumstances, was incompetent and unwilling to do justice to Ireland. In the *Weekly Register* of January, 1832, the hon. and learned member for Dublin had said, "The British Parliament is incompetent from ignorance, from wretchedness, from a want of a sufficient feeling of interest, and from a want of time, to effect any measures for the security of Ireland." For his (Mr. Lambert's) part, he could not see how any man could conscientiously say, that the British Parliament was incompetent to effect such measures. Surely the Irish Members elected for the British Parliament, were competent to understand and decide upon Irish questions. There was another part of the subject upon which he must address the House with the most unfeigned reluctance. It was a most painful subject, and had already occupied much of the public attention. He would wish to avoid the topic altogether, but he felt it a public duty to meet this point of the case. The question he referred to, was that which was vulgarly called in Ireland the National Tribute. He knew that it was a very delicate subject. He would have avoided it; but it had really become a national burthen, an intolerable national nuisance. It was necessary that he should address a few words to the House upon the subject. He was very well aware, that at all times it had been the practice—a most honourable and laudable practice—for the public to confer on those who served them well and faithfully, and from honourable motives, some marks of their approbation, some tokens of their gratitude. In some cases this was equally honourable to those who conferred and to those who accepted the tribute. There existed no person in Ireland, no person in any part of the empire, more willing than himself to admit the full extent of the services of the hon. and learned member for Dublin when they were exerted for what he had achieved, the great object of Catholic Emancipation. He had often, in that, and out of that House, expressed himself clearly and most strongly to that effect. Would to God the hon. and learned Gentleman's extensive influence over his deluded countrymen, had been always dedicated to such great, useful, and innocent purposes! To the first tribute collected in Ireland he had given his approbation, and he believed it met the approbation of every honourable mind that wished well to Ireland, and that embraced the still more noble principle, that of universal religious freedom. He was one of those who had promoted this national reward, but now he found that year after year it was exacted; what once was a voluntary effusion, now became an exaction of contrivance and a management of tact and business; and when he reflected, that places of public worship were desecrated, and made scenes of dissension and turbulence, for the sake of collecting this rent from the impoverished peasantry, he felt it his duty to state the case, and express his feelings to the House. Dr. Murray had written to him, that he would no longer pay what was called the O'Connell Tribute, and that his family were obliged to abstain from a place of worship merely to avoid Mr. O'Connell's jackalls, who, during the whole Sunday, were enforcing the tribute. He challenged any man to contradict him if he was misstating facts. On this most disgraceful subject he should say no more. He could not, at the same time, but express his astonishment at part of the speech he had heard last night from the hon. Member opposite (Mr. Tennant), in which that hon. Member had passed such indiscriminate censure on the Roman Catholics. The language that had been used by the hon. Gentleman only tended to remind him of the days of Dr. Dueignan. He hoped, that his Majesty's Government did not participate in those sentiments, and he was sure, that that House did not. He could tell the House, that both Protestant and Catholic were embarked in the same cause. The property of both was alike in jeopardy, and they were now called upon to forget all past animosities for their mutual safety; for, if the object of the agitators prevailed, neither Catholic nor Protestant would be spared. The conduct that was pursued in Ireland in the year 1798 was very similar to that adopted by the present disturbers of that country. He should read an extract from the Report of a Secret Committee appointed in that year to inquire into the state of Ireland, by which it appeared, that then, as now, a part of the system was, to seduce the soldiers from their duty.—[The hon. Member read the extract.]—In all the proceedings of the agitators of the present day, the soldiers were spoken of in the most flattering terms, while, at the same time, with the most glaring inconsistency, the officers of the army were declared unworthy to sit as Jurors. Never, he believed, in the history of any country did a political chief attempt to carry his object by such a system of abuse and blackguardism, as that which was pursued in Ireland in the present day. Look at the treatment that had been experienced by those upright and honourable men, the late members for Meath, Dublin, and Kilkenny, who, after struggling to accomplish the great measure of Reform, and after having successfully struggled, were expelled from that House by the influence of unprincipled agitators as the reward of their services. Nothing was heard of this question of Repeal until after the Cöercion Bill was introduced, and then only as a means to a certain end. The hon. and learned member for Dublin now said, that he was in earnest. He (Mr. Lambert) hoped, that his Majesty's Government would be in earnest too. The hon. and learned Member had said, that he would nail his colours to the mast. He (Mr. Lambert) would also nail his colours to the mast, but they were very different colours from those of the hon. and learned Gentleman. The colours of the hon. and learned Gentleman were orange, in which he had toasted, "The glorious and immortal memory of King William, who freed us from Pope and Popery." His (Mr. Lambert's) colours were those of the laws and Constitution of his country; and if they should be torn down by the hand of lawless violence, he was ready to fall with them. He well knew what he had to expect hereafter for speaking thus; he well knew the implacable vengeance he was bringing down upon his head; but, without being influenced by any motive which he would wish to hide from the world, he would give his determined and most cordial support to the Amendment.

Mr. *Sheil:* The speech just spoken has been received with loud and enthusiastic acclamations; and if it were less able—if the hon. Gentleman had substituted invective for argument, and by his phraseology, his topics, and his utterance, had afforded reason to conjecture that his political conduct was, in some measure, influenced by his personal resentments—the acclamations would not, therefore, perhaps, have been less enthusiastic, or less loud. Fortunate advocates, whose success depends as much at least on the predilections of the tribunal, as upon the eloquence of the pleader, or the merits of the cause! I have heard my hon. friend when he exhibited fully as much ability as upon this occasion; but never saw him received with such cordiality at his outset, or such rapture at the termination of any of his former harangues. With how much power, with what order, with what clearness of exposition, with what irresistible argument, for example, did he treat the tithe question, and demand justice for the Irish people after the massacre of Newtown Barry! He presented a picture of that atrocious transaction, compared to which, his accounts of the fatal effects of agitation are weak and inefficient indeed. The incidents which he described, and the picturesque diction in which his narrative was conveyed, ought to have produced a great impression upon his auditory; yet how coldly and ineffectually did all that he then urged fall upon his hearers. You were then frigid and apathetic; you are now, in the highest degree, susceptible and alive to the accomplishments of the member for the county of Wexford. My hon. friend is now a devoted and unqualified antagonist of Repeal. Was it always thus? Did he not say—(I ask for information, and shall abide by his answer)—that if justice were not done to Ireland on the tithe question, he should, however reluctantly, become an advocate for Repeal. [Mr. *Lambert:* I do not recollect having ever said so.] At all events, my hon. friend, declared, that the denial of justice with respect to the Irish Church, would have the effect of inducing the great mass of the population to embrace Repeal, as the only remedy for their evils. Whether he spoke of himself, or of the country, putting personal considerations out of view, the inference is nearly the same. He expressed a desire when he began, that the member for Dublin should be in attendance, while he reviewed his conduct, and described his character. His wish was gratified. The member for Dublin entered the House, (which the hon. member for the county of Wexford never would have entered but for the member for Dublin); and I own, that I did not think that he had any great cause to wince under the chastisement applied to him by the hon. Member. But how, after all, are the real merits of this great question—(for great it must be, when the Secretary for the Treasury first called the House, and then occupied it for six hours)—how is the matter at issue affected by these resentful references to incidents which have taken place outside this House? Is this the proper field for encounter between two hon. Gentlemen? The member for the county of Wexford may have sustained wrong, language may have been applied to him by the member for Dublin, with regard to his conduct on the Coercion Bill which deserves condemnation. I regret it; but let him bear in mind that the services conferred upon him by the member for Dublin ought to outweigh every injury. Though he has been smitten in the face, let him not return the blow; let him remember, that the hand that struck him had first struck off his fetters. The hon. member for Wexford has adverted to the remuneration, which the people of Ireland have bestowed upon the member for Dublin. He should have considered the extent of the service, before he derided the reward. For thirty years, the hon. member for Dublin has toiled with indefatigable energy and indubitable determination in the cause of Ireland; he has been mainly instrumental in achieving the liberty of his fellow-countrymen; he has relinquished great emoluments by abstracting himself from his profession, and persevering in the dedication of his faculties to the interests of his country; and Ireland has felt, that it behoved her to make him a compensation for his services, and to prove her gratitude for that freedom, which is above all price. I turn from these painful topics to the subject presented to our deliberation. Not a word has yet been said upon the Amendment. Many may conceive that the original proposition ought to be rejected, and yet will, I hope, pause before they adopt the sentiments contained in the Address. The question before the House, is not merely whether a Committee should be granted for the purpose of investigating a question on which the Secretary for the Treasury thought it not inexpedient to deliver an harangue, of which the length must be admitted to be wonderful; but whether we shall vote an Address, which not only contains an approval of the Union, but states besides, that the policy adopted with respect to Ireland, has been judicious, wise, and just. Observe what it is you are called upon to place on record:—

'We humbly represent to your Majes-
'ty, that the Imperial Parliament have
'taken the affairs of Ireland into their
'most serious consideration, and that va-
'rious salutary laws have been enacted
'since the Union, for the advancement of
'the most important interests of Ireland,
'and of the empire at large.'

What other object can there be for this assertion, if it be not to declare that the course pursued by Parliament has been such, as not to make it requisite that any change should be adopted. Let me put the matter thus:—Suppose that in the year 1827, when Mr. Canning was Prime Minister, and so many members of the present Cabinet were associated with him, the noble Lord, the Paymaster of the Forces, had introduced the question of Parliamentary Reform, which Mr. Canning declared he would resist—not "to the death," but to the last moment of his life, and that the Conservative party had introduced an Address against Reform, similar to this Address against Repeal; would not all the arguments advanced in support of this Address, have applied as forcibly to that which I have hypothetically suggested? The Conservative Address against Reform would, with the alteration of a phrase or two, have been precisely the same as this, and might have run thus:—"We, your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, feel it our duty humbly to approach your Majesty's Throne, to record, in the most solemn manner, our fixed determination to maintain, unimpaired, and undisturbed, the Constitution—(I substitute it for 'Legislative Union'), which we consider to be essential to the strength and stability of the empire—to the continuance of the connexion between the two countries—and to the peace, and security, and happiness, of all classes of your Majesty's subjects. In expressing to your Majesty, our resolution to maintain the Constitution inviolate, we humbly beg leave to assure your Majesty, that we shall persevere in applying our best attention to the removal of all just causes of complaint, and to the promotion of all well-considered measures of improvement."

Had such an Address been proposed, how would it have been denounced? Would it not have been considered as amounting to a sanction of all the policy pursued by the Boroughmongering administrations? In that light, it would, beyond doubt, have been represented by the Whig party, which, after having passed their political lives in reprobating the conduct of their opponents while they were in power, now call on the House to pronounce upon the measures of the last thirty-four years an unqualified panegyric. I shall, in the course of the observations I mean to make, revert to this view of the Amendment, which I have only suggested, in order that the House may see exactly what it is called on to do, and the extent of the proposition which has been made by the Government. I return to the original Motion. The member for Dublin calls for a Committee to inquire into the results of the Union, and the probable consequences of its continuance. I should at once grapple with the argument derived from the alleged likelihood of separation, but that it belongs to the prophetic part of the case; it is better to deal with facts before we indulge in predictions; and, before we look far forward, to look a little back. It may be difficult to answer the arguments of the Secretary of the Treasury, but it is a still more arduous undertaking to meet the whisperings and gesticulations of his colleagues. I am not so sufficiently unreasonable to expect that this House will be impartial,—the "sad civility" of silence is all that I require. Before the year 1782, Ireland lay prostrate. The foot of England was upon her neck, and was applied with the pressure which, in such an attitude, is habitually employed. Why do I revert to a period so remote? I call up your ancestors, in order to show you that you have preserved a resemblance—in the pictures of your predecessors a national likeness may be traced. You ask, why go back to the system on which Ireland was formerly governed? For this simple reason—that Ireland is not as dependent on England as she was then. Between an Irish Parliament under the direct control of an English, and an Imperial Parliament, in which Irish Members are overwhelmed by English majorities, there is some distinction, but not much difference. Was Ireland justified in demanding her independence? Few will deny it. Yet its advocates were aspersed with contumely as coarse as is now poured from high places on the champions of Repeal. The tract of Molyneux was burned by order of the British House of Commons, in Palace Yard, and the office was performed by an appropriate representative of the feelings of Englishmen towards the sister country. The question was treated as a wretched absurdity, or a base expedient. It was denounced as equally impracticable and bad; and yet events converted the impossibility into fact. When the Irish Parliament had achieved its independence, how did it employ the noble instrument which it had so gloriously won? Free trade, the independence of the Judges, the Habeas Corpus Act, concessions to the Roman Catholics, these were the measures associated with independence. The Secretary to the Treasury has cited the authority of Mr. Grattan, for the purpose of showing, that Mr. Grattan condemned the proceedings of the Irish Parliament after the year 1782, up to the time of the Union. I could also cite the authority of Mr. Grattan on the other side, and could quote his panegyric; but I will not occupy the time of the House with prolixities of this sort, nor refer to a multitude of authorities. To one, however, I cannot refrain from adverting, that of Edmund Burke, because it must weigh beyond every other, in the mind of the Secretary for the Treasury, as Edmund Burke considered England his adopted, and (he had good cause to do so) his dearer country. It is not wonderful that Edmund Burke should have given a preference to England; "where a man hath his treasure, there also he hath his heart." With long extracts I shall not molest the House; it is enough to refer to Edmund Burke's speech on conciliation with America, and to his letter to Sir Hercules Langrishe, for splendid descriptions of the rapid and wide advances made by Ireland after 1782. The course adopted by the Government is singular—they tell us, in the first place, that all reference to events before the Union is inapplicable, and that our encomiums on the Irish Parliament are out of place, and afterwards, they themselves open the pages of our history, nay, resort to every petty anecdote connected with our Parliament, and disinter from oblivion every derogatory circumstance, to make out a case against us. The argument is this:—the Irish Parliament was often under the influence of the populace—its proceedings were interrupted and controlled, and, therefore, it ought not to exist. Might I not say, Cromwell broke into this House, bade a rude soldier take away "this bauble" on which I now lay my hand, therefore, there ought not to be a House of Commons. Or, might I not exclaim, "Lord George Gordon gathered his mob round this House, therefore an end ought to be put to Parliament!" How preposterous this would sound! yet the reasoning against the Irish Parliament is the same. The Secretary for the Treasury, has quoted every bad Act passed by the Irish Parliament—and he has quoted every good one passed by an Imperial. Why did he omit any the least mention of any one of the beneficial measures enacted by the Parliament of his country? I should be justified in opening the Irish Statutes, and, step by step, going through the whole of its legislation. But this would be a tedious process. To one part only of the legislation of the Irish Parliament shall I call the attention of the House. Many a time and oft has it been said, that the Irish Parliament, left to itself, would never carry the Roman Catholic question. Let us judge, not by idle conjectures of what it was probable it would have done, but by a reference to what it actually did do. What was the conduct with respect to the Roman Catholics, of the Irish and the English Parliaments at the same time. The English Parliament made some concessions, but excluded Roman Catholics from the Universities, from Corporations, from the Bench of Magisterial Justice, from Grand Juries, from Petty Juries, and from the hustings. This was the conduct of that Parliament, to which, afterwards, the destinies of the Irish nation were to be confided. What, on the other hand, was the conduct of the Irish Parliament? It admitted Roman Catholics to the Universities, to Corporations, to the Magisterial Bench, to the Grand Jury-box, to the Petty Jury, and, above and gloriously paramount to all, it conferred upon them the elective franchise,—furnished the fulcrum by which Ireland placed a mighty lever—gave the weapon with which the victory of peace was achieved—gave that, which, being conceded, the noble residue of freedom could not be withheld. Was that nothing? I shall, by-and-by, have occasion to compare the conduct of the Imperial Parliament with that of the Irish Parliament, with regard to the Catholic Question. I come to the Rebellion. We are told that an Irish Parliament would be favourable to separation. Do facts bear out the prophecy? The object of the Rebellion was separation. How did the Irish Parliament act? If it co-operated with the conspirators, or connived at their project,—if there was a party in the Irish House favourable to that enterprise—there would be some plausibility in the suggestion. But not only was there no party with a leaning to the insurgents, but there was not a man in that Assembly who did not concur in the suppression of the revolt; and it was remarkable, that the men who were most devoted to Irish independence, were equally attached to connexion with this country. Never did there exist a body which displayed a more genuine and enthusiastic loyalty; and was that nothing? Was it nothing that France should see in the Irish Parliament a representative of the gentry and of the influence and intelligence of Ireland? Was it nothing, that such a body should afford a proof, that by the most powerful class the invader would never be joined? Was it nothing, that there should have been sitting in the capital of Ireland, an Assembly, whose moral influence co-operated with military power, and who rallied the nation round the standard of the King, by inculcating the great principle, that allegiance is but a modification of patriotism, and fidelity to our institutions a part of the love of country? I pass to the Union. As to the infamy of the means by which it was carried, it is unnecessary to say much, because the fact is undisputed. But it is said—"of what consequence are the means?" A Polish Secretary of St. Petersburgh would admit that the partition of Poland was effected by the bribery of the Polish Diet, and exclaim "*factum valet.*" Convenient aphorism! By a judicious application of this canon in the Machiavelian casuistry, there is no atrocity which may not be turned to account. Lord Grey would not—God forbid!—have ever robbed Ireland of her Legislature; but he has no objection to become receiver of her spoliated rights. But let us put the ethics of the question, except so far as they are connected with expediency, out of the case; yet have they no connexion with expediency? The means have mingled with and influenced the effects, because they have generated the feelings which would more than vitiate any good which the Union could produce. From a source so foul, the Irish people think, that nothing pure can be derived. They think that, no matter over what time it may pass, the current can never run clear. They look back with detestation to the venality, the baseness, the turpitude, by which their Legislature was trucked and bartered—that which is an object of national abhorrence must be prolific of many evils, and barren of all good. Some one said, that a fault was worse than a crime; but a crime seldom fails to be a fault. The memory of the delinquency makes it a mistake. Thus, then, the consideration of the instrumentality by which the Union was accomplished, is not irrelevant, or out of the record; but let us consider the more direct and palpable effects of the measure. They are divisible into two heads—the fiscal and the political. The Secretary for the Treasury has appealed to a great number of financial facts, to sustain the proposition, that the Union has produced the prosperity of Ireland. In 1796, Edmund Burke published his letters on the Regicide Peace. In one of them, like the Secretary for the Treasury, he combines the most powerful rhetoric and the most abstruse arithmetic together. He refers to the exports and imports, to the official Returns respecting the Revenue, the Customs, Taxes, Excise, Manufactures, and Tonnage, and all the other materials of fiscal calculation. He concludes from them, that nothing is so useful as war, and calls on England to fight on. But if the inference of Edmund Burke were wrong, is the inference of the member for Cambridge right? Look at Canada! Its prosperity may be demonstrated. Why should not Ireland prosper with a local Government as well as Canada? If you effected a Union with Canada, would you not lose the country—would you keep it for three years? The Secretary for the Treasury says, that Ireland prospers because she enjoys a free trade. In the event of Repeal would there not be a free trade? [*"No! No!"*] Is it not the interest of both countries, that there should not be any commercial restrictions? Ireland consumes 7,000,000*l.* of your manufactures,—you consume several millions of her produce. How would it be your interest to restrict her trade, when she affords you your best, nearest, and safest market? Are not the people of England clamouring for a free trade with France? Would they refuse it to Ireland? I deny—(and I know it is the sentiment of the great body of my countrymen)—that a Repeal of the Union would produce an abolition of the free trade between the two countries. Will the Vice-President of the Board of Trade assert, that Repeal ought to lead to a cessation of free trade between Ireland and England, when he maintains the utility of free trade with all the world. But, then, it is said, that, in consequence of the Union, Ireland has the exclusive market of England. If that has hitherto been the case, how long will you pledge yourselves that this advantage shall continue? Will you pledge yourselves, that the present Corn-laws shall stand? Will the English manufacturer concur in such a pledge? and if he will not, what becomes of this argument? Place the integrity of the empire in one scale, and a quartern loaf in the other, and on which side, in the mind of a political economist, will the preponderancy be found? But, after all, is it here, in a debate like this, that questions so complicated are to be determined? Give me leave to ask of those who have heard the hon. member for Dublin, and who have listened to the member for Cambridge, whether the arithmetic of both parties is not a much fitter subject for investigation in a Committee, than for discussion, or rather retorts, and derisions, and invective, and acclamation here? Was Ireland prosperous before the Union? Mr. Pitt, Mr. Burke, and a crowd of other authorities, have been cited to establish it. But it may be said, that the antecedent prosperity of Ireland does not touch the main question. If so, why did the right hon. Gentleman think it necessary to advert to it? He has taken from it every quality of impertinence, and given it relevancy and value. To one prominent point in this part of the case I shall apply myself. Indeed, with respect to finance, there is but one observation which I desire to make, and in that I believe myself to be well-founded, for I am borne out in it by the authority of a gentleman who was once Chancellor of the Exchequer for Ireland—Sir John Newport; and this opinion is sustained by that of Lord Plunkett. I will not trouble the House by quoting the opinions of these gentlemen at length, but I will give the substance of them; and if any one doubts the accuracy of my statement, I can produce the passages to which I refer. Ireland, at the time of the Union, was charged with the contribution of two-seventeenths to the general expenditure of the two kingdoms. Was that fair? Sir John Newport pronounced it to be most unjust—so did Lord Plunkett; but the fact goes further than the authority of both these gentlemen, for it turned out, that Ireland was unable to pay the share she had contracted to contribute. What was the consequence? It was necessary to make up the deficiency by successive loans. Where was the money borrowed? In England; and the revenue of Ireland was applied to paying the interest on those loans. How many millions were paid by Ireland in consequence of that injustice? Between 4,000,000*l.* and 5,000,000*l.* a-year up to 1816. You have got so much, then, of the revenue of Ireland, which you ought never to have received. Has no injustice been done to Ireland, then, in this respect? But you will tell me, that you have cured all this by the consolidation of the Exchequers of the two countries. You have not; because, at the time of the Union, you agreed, that the surplus revenue of Ireland should be spent in Ireland: there would have been a surplus, but for the charge of two-seventeenths. You consolidated the Exchequers on account of the excessive charge, and now the whole of our revenue comes to your Exchequer. By the returns, a clear surplus beyond our expenditure appears; that surplus you receive. But this is a dull and obscure subject. If the statement of fiscal details occupied the right hon. Secretary six hours during one speech, and if, in venturing to controvert the argument founded upon those details, (at the same time endeavouring to limit the duration of my speech to within a much shorter period than that occupied by him)—if in so doing there be anything confused (and almost unavoidably so,) in our statements, I beg to suggest that inevitable complexity in the subject, as the ground for the Committee. The right hon. Secretary for the Colonies, the late Secretary for Ireland (a fact to which it is impossible not to revert), has set the House an admirable example. The Canadian Government thought proper to find fault with a despatch which the right hon. Secretary sent out to them. In reply to their remonstrances, he said, that, in sending that despatch, he had only done his duty. "Redress their grievances," cried the member for Bath. "I will give you a Committee," replied the right hon. Secretary. Give Ireland that which was not denied to Canada. The mention of Canada brings to my mind a circumstance deserving note: the Secretary for the Colonies enumerated the number of offices held by native Canadians, in order to show, that they had no grievance to complain of upon that head. Whilst the Secretary to the Treasury was speaking, I could not help reflecting, that he was the only Irishman in this House who holds any sort of office connected with the Government, and that, Irishman as he is, he is not at present a member for any Irish borough or Irish county.

Mr. *Spring Rice*.—I would remind the hon. and learned Gentleman, that the present Lord-lieutenant, the highest officer of the Crown in Ireland, is an Irishman; that, the Earl of Belfast is Vice-Chamberlain of the King's household: that, Mr. Fitzgibbon is Lord-lieutenant of Limerick, and that many other Irishmen whose names might be mentioned hold offices under the Crown.

Mr. *Sheil*.—I assert, that there is not one Irish Member out of all the 105 sent from Ireland who holds an office connected with the Government, and invested with power. You may sneer; but look at the Belgian declaration of independence. What was one of the main complaints? Was it not that, in all official appointments, there was an undue preference given to the Dutch? I repeat, that Ireland has 105 Members in this House, and that not to one of them has an office connected with the government of the country been granted. I am perfectly disinterested in making this observation; but, perhaps, it may lead to the correction of that which must be admitted to be an evil. It would be unreasonable on the part of Irish Members, to expect any mark of favour, until the Ministers had promoted those of whose merits they had more peculiar and domestic means of forming a correct estimate; but after they had sufficiently combined with the exercise of their public duties, the amiable indulgence of their private virtues, it is strange, that not one crumb has fallen from the tables of official plenty among those Irish Members, who have never given any cause of displeasure to the Government. I pass from this topic, on which, if you reflect, you will find it not irrelevant. It is light, and you may deem it scarce worth picking up; but it shows better than matter of more moment, how, at the corner of Downing-street, the wind may blow. But I feel, that I have broken the order in which I proposed to treat this question. I was upon the fiscal part of it. I proceed to absenteeism. You talk of British capital flowing into Ireland;—you might as well talk of infusing blood into the veins, while you were opening the arteries. The Secretary for Ireland says absenteeism existed before the Union. Yes; but you have aggravated the disease, and also taken away the cure. Do you deny, that the evil has been augmented? The Secretary for the Treasury tells us, that Dublin is more prosperous. Hear the Report of a Committee of this House, in 1825:—'Your Committee feel an earnest hope, 'that the peculiar situation in which the 'city of Dublin has been placed by the 'Union will not be lost sight of by this 'House. Prior to that event, ninety-eight 'Peers and a proportionate number of 'wealthy Commoners inhabited the same. 'At present the number of resident Peers 'does not exceed twelve.' At the present moment, I am sorry to add, that there are not more than two. Ninety-eight resident Peers before the Union,—at present only two! Is that fact of any importance?

The Report of the Committee contains these additional words:—"Thus the effect of the Union has been to withdraw from Dublin many of those who were likely to contribute most effectually to its opulence and prosperity." The same opinion was expressed, by Sir John Newport, on the 22nd of April, 1822, in a debate in this House, in which the right hon. Secretary to the Treasury took part. 'Before the Union (said Sir John) the 'progress of taxation in Ireland had been 'comparatively moderate, and I am per'fectly convinced, that had Parliament, 'since the Union, pursued the course which 'wisdom dictated with respect to this ob'ject, it would have been precisely the re'verse of that which they have adopted. 'It is manifest that one of the evils of Ire'land confessedly prominent in the list of 'those under which she suffers, is the mag'nitude and number of her absentee pro'prietors. By their absence the people are 'deprived of those to whom they could 'with confidence look up, and whom they 'might consider as their natural protectors. 'They have lost in their absence that care 'and attention to their wants which resi'dent landed gentry are alone calculated 'to afford, and which keeps up in the gra'dation of ranks that interchange of good 'offices which binds together all classes of 'society, from the cottage of the peasant to 'the Throne of the Sovereign. It became 'then, as I conceive, the duty of an en'lightened Parliament to counteract by 'prudent legislation, so far as legislation 'can effect it, the tendency to increase of 'absenteeism which the union of the two 'kingdoms under one Parliament of ne'cessity induced; and this could only be 'effected by guarding strictly against any 'improvident increase of internal local tax'ation which might have the effect of im'pelling the landed proprietors to quit their 'proper sphere of duties in the country 'from whence they derive their income. 'Up to the period of the Union, as I have 'before observed, Ireland was lightly taxed. 'Since that period taxation, and especially 'local taxation, has been infinitely in'creased; and the result has been, not in'crease, but manifest and signal diminu'tion of revenue. I have in every succeed'ing year opposed the increase of internal 'local taxation, and again and again stated 'to the House, that the finance Ministers 'would reap from the system, "a harvest of 'discontent, but not of revenue." The 'House has now before it positive proofs 'that my predictions were unhappily too 'well founded; you have reaped a plenti'ful harvest, not of ways and means, but 'of debt and of discontent; and what is 'still more, far more, to be lamented, you 'have broken the spirit of the gentry of 'Ireland. Deprived of the influence which 'they formerly possessed, (and rightfully 'possessed by the power of doing good), 'too many, from the pride natural to per'sons of their rank in society, could not 'brook to alter their mode of living amongst 'those with whom they were accustomed 'to dwell in their affluence; they trans'ported their families to some English 'watering-place, and consigned to ob'scurity in lodgings, ceased to occupy their 'family demesnes, increasing all the na'tional evils under which they themselves 'suffered.* Mark what follows;—it will prove that I was not unfair in my observation when I stated that two-seventeenths of the general expenditure of the two countries was more than Ireland ought to bear. "At the time of the Union," adds Sir John Newport, "Ireland was charged with two-seventeenths, which was just one seventeenth more than ought to have been exacted from her." Now, was Sir John Newport right in his estimation of what was the fair proportion of Ireland, or was it all misconception on his part? Was there a wrong done to the people of Ireland in this particular, or was there not? We have paid, at least, from 20,000,000*l.* to 30,000,000*l.* into the Treasury of England. Has the Treasury of England ever paid it back again to the people of Ireland? The Secretary to the Treasury produces to me his grants made to Ireland for the promotion of public works, amounting to 6,000,000*l.* Against that sum, I place 20,000,000*l.*, at least, that have been paid by Ireland beyond her fair proportion towards the general expenditure of the empire. But will any Gentleman tell me that the absenteeism caused by the Union has not led to evils of the most serious description in Ireland? Is the absence of the nobility and chief gentry of that country of no account? I admit, that some noblemen, like the Duke of Devonshire, Lords Hertford, Lansdown, Camden, Fitzwilliam, Essex, and others, must remain residents in this country. Some arrangement might be made by an Irish Parliament in their regard; but the necessity of attending the two Houses here has caused the absence of others, who otherwise would live in Ireland. An Irish Parliament would tax absenteeism. The Secretary for Ireland the member for Staffordshire, between whom and the hon. member for Belfast, there last night passed an interchange of parliamentary endearments, spoke of a tax upon the property of absentees as amounting to confiscation. Are the Acts of the Irish Parliament void? You would resent a hint touching the invalidity of the Act of Union: extend to other Acts the benefit of your doctrine. We have Acts of the Irish Parliament (Richard 2nd and Henry 8th), by which the proprietors of estates were subject to heavy forfeiture during their absence. This principle of taxation was adopted by an English Parliament when the Kings of England had dominions in France, and their subjects preferred residence on their estates in that country. Look at the inconvenience of the tax on the one hand, and the misery of the people of Ireland on the other, and then tell me which ought to weigh most in the consideration of the Legislature. When you expatiate on the increased prosperity of the country as proved by its exports, do you forget that when converted into money, it is in the palaces, the banquets, and saloons of this metropolis, that the fruits of Irish labour are expended? What is the condition of the mass of the people. The population of Ireland has doubled since the Union. Has her capital increased in the same proportion, —and is there not a far greater mass of misery than there was before? "The greater happiness of the greater number" being applied as a test, in what light shall we see the result of the Union to the people, the state of the people! there's the rub? The exports of Ireland, forsooth! go—let the right hon. Gentleman take his stand on the quay of the city which he once represented—let him look on whole fleets upon the Shannon, freighted to the water's edge with heaps of grain, the produce, of myriads of acres, and with droves, and flocks, and herds innumerable, fed and depastured upon the land on which heaven has rained fertility, and after he there has contemplated the spectacle on which it does the heart of an economist good to rest, then let him turn round and look on the starving peasantry by whom all these materials for absentee splendor have been created; and after he shall behold the famine, the wretchedness, the shivering, the pestilence of the Irish hovel, then, if he have the heart to do so, let him go on and mock at the calamities of his country, with his demonstrations of the prosperity of Ireland. The fact is beyond question; the mass of the people are in a condition more wretched than that of any nation in Europe; they are worse housed, worse covered, worse fed, than the basest boors in the provinces of Russia; they dwell in habitations to which your swine would not be committed; they are covered with rags which your beggars would disdain to wear; and not only do they never taste the flesh of the animals which crowd into your markets; but while the sweat drops from their brows, they never touch the bread into which their harvests are converted. For you they toil—for you they delve—they reclaim the bog—and drive the plough to the mountain's top—for you! And where does all this misery exist? where is all this calamity of which your tourists and travellers write such picturesque and unavailing delineations? In a country teeming with fertility, and stamped with the beneficent intents of God. It is notorious, it is beyond controversy, that when the famines of Ireland prevailed—when her cries crossed the Channel, and pierced your ears, and reached your hearts, the granaries of Ireland were bursting with their contents, and while a famished people knelt down, and stretched out their hands for food, the business of deportation, the absentee tribute, was going on. Talk of the prosperity of Ireland! Talk of the external magnificence of a poor-house, gorged with misery within. I am glad that I have recollected the Poor-laws. Wherefore are half this House favourable to an Irish Poor-law? Is it not because the people are reduced to straits at which humanity recoils? And how does your sympathy with the Irish poor at one moment accord with your expatiations on Irish prosperity at another. But let me be just. I do not accuse the Secretary for the Treasury of being favourable to Poor-laws. He sees the Poor-laws from the Shannon, as he sees repeal from the Thames. He takes a Treasury view of the one, and a Mount Trenchard view of the other. We propose repeal—others propose Poor-laws. What does he suggest? What nostrum will he produce from the Downing-street dispensary of political empiricism? All that Ireland requires is good Government. Has she been well-governed? "Yes," says the Secretary of the Treasury. I proceed to the political head of this great question. The right hon. Gentleman, on this part of the case, has spoken with more than his usual talent —which is saying much; and with more than his usual earnestness—which is saying a good deal. He tells us, that he belongs to England, and designates himself as a West Briton. He does himself injustice, for he is more than English. It was said of the English colonist, that he was *Hibernis Hibernior*. He improved upon our indigenous barbarism. British civilization has produced an opposite result, in a proportionate degree of refinement, on the mind of the right hon. Gentleman. All the mud and tarnish of his native Shannon has not only been washed by his ablutions in the Cam, entirely away, but he comes more fresh and glossy from the academic water, than those who at their birth were immersed in the classic stream. But did the right hon. Gentleman always see the Government of Ireland in the same light—or does the configuration, and do the colours of objects, depend on the position from which they are seen? There was a time when the right hon. Gentleman saw nothing but gloom in the political horizon; but now every cloud is filled with the radiance of his imagination, and he beholds nothing but brightness, gorgeousness and gold. He has represented the conduct of the Imperial Parliament towards his native country as wise and generous. I shall be able to prove, from the uniform tenor of the right hon. Gentleman's speeches in Opposition, that, until he came into office, he regarded the system by which Ireland was governed as fraught with injustice. He has picked from the speeches delivered by the member for Dublin, every loose expression, every careless phrase, which he could apply to his purposes. Well my hon. friend may exclaim,—

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* Hansard (new series) vol. vi, p. 1471.

> ——— all my faults observed,
> Set in a note-book, conn'd and learn'd by rote
> To cast into my teeth.

Blame us not, if in this, as in other particulars, we presume to follow your example. Since you rely upon the ebullitions of popular excitement at public meetings, and upon those thoughtless and inconsiderate declamations which are thrown off in utter recklessness, amidst casual gatherings of the people—since you quote after-dinner orators, and rely upon the rhetoric of the Corn Exchange; permit us, on the other hand, to refer to your own solemn and reiterated declarations made in your legislative capacity in this House, and to exhibit the enormity of the contradiction that exists between your conduct in office, and that which you adopted before you arrived at power. How has Ireland been governed since the Union? Whigs of 1834, how have the forebodings of the Whigs of 1799 been fulfilled? They foretold the result of that vile exchange, that base swap by which Ireland was forced to give up the entirety of her legislature for a miserable sixth in that imperial co-partnership, and became dependant upon majorities composed of men who care little about the welfare, sympathize less with the feelings, and know nothing of the interests, of Ireland. Let us see whether having a gigantic strength, you have used it it in a gigantic spirit. Let us see the evidence of British magnanimity, British generosity, and British justice? The Secretary for the Treasury has gone through a variety of details to establish the undeviating beneficence of an imperial legislature. Now hear the language (let him listen to it) uttered by himself on the 22nd of April, 1822. Thus speaks the member for Limerick :—'What was the 'first tribute which the Imperial Parliament 'of 1801 tendered to Ireland in their first 'notice of the situation of that country 'after the Union? The first statute was 'the Irish Martial Law Bill.'* On Wednesday the right hon. Gentleman recapitulated the Acts which the Imperial Parliament had passed for Ireland. He went through Acts for lighting and paving the streets—he enlarged, with well adapted eloquence, on the achievements of pure legislation—he recounted the provisions of various statutes on small subjects—but never once alluded to the questions which touch the heart of the country to the core; and entirely forgot that, in 1822, he had exclaimed, that the renewal of Martial-law, in 1801, was the first piece of legislation adopted by the Imperial Parliament with respect to Ireland. But I will not do him the injustice of suppressing the rest of his observations in that remarkable declaration. The right hon. Gentleman went on, and said, that the spirit in which the British Parliament legislated for Ireland had been in accordance with the principle on which the Act establishing Martial-law was founded. He added—'In tracing the history 'of Irish legislation, both before and since 'the Union, there appeared, as it were, two 'streams passing through the channel of 'Parliament. In one flowed Acts of strenuous finance, or equally strong coercion

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* Hansard (new series), vol. vi., p. 1494.

'—the one with great malice, the other 'with great power. In the other Channel 'the struggle was made, but made in vain, 'to procure an examination into the state 'and condition of the people, in the hope 'of discovering and applying some remedy 'for their evils.'*—Will the right hon. Gentleman give us a Committee to examine into them now?—'It was curious,' he continued, 'in tracing these proceedings, 'to observe, with what a singularly felici'tous uniformity the channel of coercion 'always flowed, and that of inquiry was 'always resisted and impeded.'† —Thus spoke the right hon. Gentleman in 1822. Now, hear his amendment of 1834. See what a metamorphosis the right hon. Gentleman has undergone? Peruse the Address in which he sets forth the wisdom of British legislation, and reconcile the member for Limerick with the Secretary for the Treasury if you can. I could quote fifty speeches of the right hon. Gentleman of the same character, but I have not time; let us turn from him, and, in a rapid retrospect, look at the policy pursued by the Imperial Parliament since the Union. Not a mere hint, not an insinuation whispered by a Secretary into the ear of a Catholic peer at the Castle, but a pledge was given (the more obligatory, because it rested upon honour for its fulfilment) that the Union should be followed by Emancipation. How was that pledge redeemed? What evidence was afforded of the liberal and enlightened spirit of the Imperial Legislature? Panegyrists of the Union try—try by its fruits—and let us look to historical notorieties, as well as to Treasury calculations. Mr. Pitt could not carry the question—he was compelled to resign. 1801, 1802, 1803, and 1804 passed by. The question was not even introduced; it would have been treated as repeal is to-night. Henry Grattan himself did not, until 1805, venture to raise his voice in the cause of his country. At length Mr. Fox in 1805, moved for a committee. The proposition was spurned at: the Whigs came in. The no-Popery howl is raised—the Catholic question is left to the umpirage of a ferocious multitude, and the rights of millions of your fellow-subjects are trampled under foot by the infuriated populace which Protestantism has summoned to its aid. The Whigs are driven from office—not for having proposed emancipation, but for having made the humble suggestion that men who shed their blood for England, should be capable of honour. The new Parliament assembles. Ireland asks for freedom, and she receives the Insurrection Act. In 1812, an ordinance issues signed "Wellesley Pole," from the Castle, and the Catholic Committee is dispersed. Mr. Saurin tries the Catholic delegates and fails. He mends his hand, packs a jury, and procures a conviction. I say that the jury was packed, the panel was sent, marked and dotted, from the Castle. Who were the loudest to proclaim, and to reprobate the practice by which justice was polluted to its source? Who were they that poured out the most vehement denunciations against the predominance exercised by faction in our tribunals? The Whigs; the very men who now see nothing in the government of Ireland but matter for admiration, and persevere in the very course which they had formerly held up to the execration of the country. In 1814, the Insurrection Act is renewed: the Whigs hurled the thunders of their eloquence against it. Would that I could here make some pause, in order to lay before the House some of those masterpieces of eloquence in which they held up to indignation the outrage committed on the Constitution. But I must hurry on; seven years go by; nothing is done for Ireland, and yet all this while there has been a vast majority of Irish Members in favour of Catholic emancipation. Their remonstrances, their entreaties for justice, were spurned and derided. By whom was Ireland oppressed and degraded? By whom was the penal system (the parent of such a brood of evil) maintained? Englishmen, by you! and yet, in the face of these facts, an Irishman asks you to pronounce a retrospective panegyric upon the fanaticism and the spirit of divination by which the measures of thirty years were distinguished. In 1821, George 4th goes to Ireland; in our loyalty he finds evidence of our felicity. In 1822, Lord Wellesley (the present viceroy) recommends the renewal of the Insurrection Act. It was consistent to send him to administer the Coercive Bill. No one was more prominent than the Secretary for the Treasury in reprobating the principles on which that unconstitutional proceeding was founded. In 1824, the Insurrection Act was again renewed, and again the Whigs declaimed and stormed. In the interval, the Catholic Association was created. By whom? Not by the Catholic gentry—not by the men who de-

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[*] Hansard (new series), vol. vi., p. 1494.

[†] Ibid.

nounce repeal and repealers—but, with the aid of the people, with plebeians for his auxiliaries, by a man who, whatever estimate may be formed of this question in this House, has done great things; has written his name in ineffaceable permanence in the records of his country, and built himself on the liberty of Ireland a monument which will never fall. The agitation and organization of Ireland proceeded. In 1825, the Catholic delegates arrived in London. I do not blame the men then in office, I do not say it was in their power; but, oh! if they had adjusted the Catholic question then, how many of the evils that have since arisen might have been prevented. You were told then what would befall if justice were denied—remember what we tell you now. We do but speak to you upon the tithes and upon the Church, as we spoke upon the Catholic emancipation. We were good prophets then—are we false prophets now? The year 1826 passes by. Mr. Canning comes into office: Mr. Canning gives up the Catholic emancipation, and is denounced for apostacy by Lord Grey. Why did Mr. Canning give up that measure? Was it from any treacherous and renegade spirit? No; it was because he knew it was hopeless to attempt to carry the question in the Imperial Parliament, "which has passed," according to the Secretary of the Treasury, "so many salutary and beneficial measures for the people of Ireland." We were as much at your service then as we were before 1782. These, these were the fruits of the Union! The prejudices of England were insuperable. The Goderich Administration, Lansdowne, Herries and Co., succeeded Canning. It died in its cradle. At length (there was one Arthur Wellesley, member for Trim, in the Irish House of Commons, who asserted the necessity of emancipation in 1793)—at length the Duke of Wellington consummated in the Cabinet that renown which he had obtained in the field, and, with the aid of a man who did incalculable services by inestimable sacrifices, gave freedom to 7,000,000 of his fellow-citizens; but with what injustice was it accompanied? The Irish Parliament bestowed upon the forty-shilling freeholders of Ireland the elective franchise. It remained for the Imperial Parliament to deprive them of the right. This proceeding was denounced as spoliation. By whom? By Lord Brougham—by Lord Grey—the men who would not commit the robbery, but who, when the Reform Bill came on, refused restitution. Are not these facts? Have I said a word that is not the fact? And what to all this does the Secretary for the Treasury reply? At the end of almost every fourth sentence in one part of his speech,—(I was surprised, knowing his command of language, and the copiousness of his vocabulary,)—the right hon. Gentleman exclaimed "nonsense," then he cried out "trash," and afterwards "stuff." Ah, Sir—there is no nonsense—no trash—no stuff, in this melancholy detail: there is truth—dismal, disastrous truth. Your delay of emancipation was fatal. If you had passed the Catholic Relief Bill years before, none of the results which you so much lament would have been produced. You were wrong; you know it, and yet I scarce condemn you for it. I blame the Union, which left the people of Ireland at the mercy of the fanatical passions, by which the Legislature was controlled. But the Secretary for the Treasury exclaims, "Oh! if the agitators would but let us alone, and allow Ireland to be tranquil." The agitators, forsooth! Does he venture—has he the intrepidity to speak thus? Agitators! Against deep potations let the drunkard rail; at Crockford's let there be homilies against the dice-box—let every libertine lament the progress of licentiousness, when his Majesty's Ministers deplore the influence of demagogues, and Whigs complain of agitation. How did you carry Reform? Was it not by impelling the people almost to the verge of revolution? Was there a stimulant for their passions—was there a provocativefor their excitement, to which you did not resort? If you have forgotten, do you think that we shall fail to remember your meetings at Edinburgh (where such flags were unfurled) at Paisley, at Manchester, at Birmingham? Did not 300,000 men assemble? Did they not pass resolutions against taxes? Did they not threaten to march on London? Did not two of the Cabinet Ministers indite to them epistles of gratitude and of admiration? and do they now dare—have they the audacity to speak of agitation? Have we not as good a title to demand the restitution of our Parliamen as the Ministers to insist on the reform of this House? Wherefore should we not adopt the same means to effect it? The member for the county of Wexford has had the imprudence to talk of Catholic Bishops being treated with disrespect, and of excesses committed by the populace. Bishops! what, is it only in Ireland that it is a crime to assail a Bishop? and as to excesses, have the flames of Bristol left no reflection behind? The Secretary for Ireland refers to some speech or other, in which the member for Dublin, spoke of a mob "taking up their sticks" to overawe the Irish House of Commons. Let me tell him, that the Irish House of Commons would never be treated as the Ministers treated a certain debating society hard bye. One word more with respect to the Secretary for Ireland. He heard, and we heard, the speech of the member for Belfast. There are thirty-three Irish Roman Catholic Members in this House—(you who think that the Irish people can be treated with disregard, mark that.) Is there one who did not feel a sentiment far stronger than that of mere surprise at the language of the hon. Gentleman? But as the hon. Gentleman did not mean to affront us, we accept his explanation; besides, he had every right to speak as he deemed right. But does the matter rest there? The Government are involved in his conduct, and must be considered to have prescribed the course he followed. He seconded the Amendment—he, who was out of this House conspicuous for his partisanship, and who in this House has given, if possible, a stronger expression to his anti-Catholic feelings—is picked and selected by the Government to occupy the foreground, and to second this address. But perhaps the Government could not have foreseen what he would do? Be it so: but, afterwards, how do they act? Is there any repudiation of him? Does the Secretary for Ireland disclaim his doctrines? No! he calls him "his hon. friend." Hon. friend! we know what this technical phrase is meant to convey, when applied to a Gentleman sitting behind the Treasury Bench. We know the difference between 'hon. Gentleman' pronounced with official acerbity, and 'my hon. friend' uttered with all the nicety of practising intonation; and so the member for Belfast is the 'hon. friend' of the Secretary for Ireland, who dragged Baron Smith before this House for language which, compared to that of the 'hon. friend' of the right hon. Gentleman, is moderate, and calm, and meek, and deserves the encomiums of the Secretary for Ireland, instead of his reprobation. Thus, thus, it is ever with you. One day the Protestant Judge is assailed—the next, a gentleman is applauded who inveighs against millions of the people: Irishmen of all parties who hear me, Protestants of the North, and Catholics of the South, open your eyes, and look at the system by which we are played off against each other. I have demonstrated that, at least for twenty-nine years Ireland was misgoverned. Twenty-nine years of agitation, and at length justice was extorted from an Imperial Parliament? But since Emancipation, since the Whigs have come into office, has all gone well? Let us pass over some smaller details—the Arms' Bill, the jury packing, the exclusion of Catholics on tithe questions, the infusion of theology into the police; let us go to great and essential incidents. I shall dwell on no more than three. In your Reform Bill you adopted population as a standard here; you did not employ it in Ireland. You gave Wales with 800,000 people three additional representatives, eight to Scotland with 2,500,000, and five to Ireland with her 8,000,000. You did not restore the forty-shilling freeholders. You have left towns in Ireland with 12,000 people without a representative; and you have left your paltry boroughs here. It was either necessary, or it was not, to pass your Coercion Bill. It was either necessary, or it was not, for the opponents of the Insurrection Act, to put upon the Statute-book a precedent for tyranny, and to supersede the tribunals of the country with the legislation of the Horse-guards, and the judicature of the Barrack-yard. If it was unnecessary, it was detestable and atrocious; and if it was necessary for Lord Grey to introduce a bill which passed without dissent in the Lords, and which there were men who support Ministers who declared that they would rather die than support it in that shape; if that was necessary, by whom was the necessity created? You have had Ireland for thirty-three years under your rule—you have been her absolute and undisputed masters; and if her condition be deplorable,—if atrocities have been perpetrated which call for rigorous laws,—are you not responsible for this disastrous state of things; and to you, and to your Union, which armed you with power unlimited for good or evil, is it not to be referred? So much for your coercive measure; but for its severity you made up (did you not?) by your Tithe and Church Bills, your 147th clause, and those absurd and cruel experiments — absurd in theory and cruel in result—with which you have endeavoured to reconcile that most monstrous of all anomalies—a Church of one religion, and almost an entire nation of another. I turn to the member for Paisley, and other Scotchmen who appeal to the results of the Scotch Union. Was such an article, as the fifth article of the Act of Union, giving eternity to the Protestant Church, among the terms on which Scotland gave up her Legislature? If any attempt had been made to establish Episcopacy by her Union—if a mitred pontificate had been inflicted upon her, what would have been the consequences? Consequences! She would not have for a moment endured it. Her people would have risen almost to a man against such a Union—to the death they would have resisted it—the country would have been deluged in blood—incidents, to which Newtown Barry and Carrickshock would have been mere petty affrays, would have taken place, and if at last England and Episcopacy had prevailed, they must have reared their altars in a desert, for Scotland would have left them nothing but a wilderness for their worship. But I perceive that there is a Gentleman on the Treasury Bench who thinks that I am speaking too long. Nay, I have not spoken six hours yet. He directs his glass to the clock, to intimate, I presume, that—

We take no note of time
But by its loss.

Truths are tedious to him; there are others for whom they have pungency, and will prevent the influences of weariness upon them. I cannot sit down without adverting to two points; first, the probable constitution of an Irish Parliament; secondly, the likelihood of separation. As to the first, let the Whigs recollect that, on the Reform Question, it was urged that this House would be filled by men of an inferior station. It was answered, property must prevail; wherefore should it not prevail in Ireland as well as here? At this moment are the great majority of Irish Members persons of no consideration? If you put us to a comparison (odious as it would be), should we not be able to meet it? Is it not manifest that, in a little while after the Repeal had been carried, the Irish nation would follow the example of all other nations, and select men of natural influence, from fortune or talents (which give a higher title to respect), as the depositaries of the legislative trust? The qualification of the Irish voter (10*l.* a-year rent), ought surely to secure a highly respectable representation. Besides, observe that if the evil is to take place after Repeal, it must take place without it. If Ireland would then return 300 unworthy men, she will return 105 of the same character; and thus you entail on yourselves as great an evil as that which you apprehend as a consequence of Repeal. But you dread separation. It is not a little remarkable that the arguments which are urged against Repeal, were the very same as those which were pressed by Conservatives against Reform. They said, that a collision would take place between Lords and Commons, and certainly saw as many calamities in that collision, as you foresee in the anticipated disagreements of the Irish and English Parliaments. No man pointed out these consequences with more force than Mr. Canning—an authority which the noble Lord, the Secretary for Foreign Affairs, and the President of the Board of Control, once held in some regard. But was Lord Grey terrified by the phantom of Revolution? No. Why should he expect that we should be dismayed by another spectre, which was as huge and hideous in 1800, when he looked at it without fear. Is the argument more valid now than it was then? It is built on this abstract proposition; two Parliaments cannot amicably co-exist. He then said they could. He was not a beardless politician at that epoch; he had already proposed his great plan of Reform—he was about the age of the Secretary for the Colonies—had reached the age of parliamentary discretion, and had passed the period at which men might be led, by a juvenile enthusiasm, away—when the understanding may be obscured by the mists which arise from the boiling emotions of the heart. Will it not be astonishing if, thirty years hence, when the Secretary for the Colonies is Premier, he recommends Repeal to prevent separation. But this was the very doctrine laid down by Lord Grey. The argument is just the same as it was thirty-four years ago. What was then a sophism cannot grow into a reason, as into a sophism a reason cannot degenerate. Let it be borne in your minds, that although some of the arguments against a Union were founded on temporary and transient circumstances, yet others (like that grounded on the fear of separation,) were permanent, and are now just as good as they were a quarter of a century ago. Therefore it is, that the authority of Plunkett and Bushe, and Saurin, and Jay, and Jebb, and above all, (after Lord Grey), the authority of Grattan, is as powerful as it ever was. Here I must stop for a moment, to remonstrate with the Secretary for the Treasury, in his having alleged that Grattan had changed his mind. His son has proved the contrary. He read his answer in 1810, declaring that he desired the restoration of the Irish Parliament. To what document was that answer a response? To an Address from the Grand Juries of Dublin, in which they describe the evils of the Union, and call on Mr. Grattan to employ his great faculties in accomplishing its Repeal. Mr. Grattan did not change his mind. Mr. Grattan never was in office. But what is the crime of the Repealers? This—that they consider Lord Grey a good statesman when he is old—but a better prophet, when he was young—I blame him not for having altered his opinion; but I own myself to be surprised that he should lavish in the speeches, for the utterance of which he avails himself of the royal enunciation, such unqualified and almost contumelious condemnation of those with whom he strenuously coincided when he was upwards of thirty years of age. But have we no better argument than that which Lord Grey so often urged against Mr. Pitt, when he reproached him with a desertion of his former opinions. Let us see: how stands history? It is asked, when did two Parliaments long co-exist in friendship? Shew me an instance in which 8,000,000 of people in one island submitted to a Parliament held in another, and containing such proportions as exist in this Assembly. The case of America is obvious; but look to two strong instances—Sweden and Norway have one king and two Parliaments. Since the year 1815, there has been no quarrel between the Legislatures. Now, turn to Belgium. Does not the example bear us out? Hear an extract from the declaration of Belgian independence. After alleging that the Union was obtained by fraud, the document goes on and states, that—'An 'enormous debt and expenditure, the only 'portion which Holland brought to us at 'the time of our deplorable Union—taxes, 'overwhelming by their amount—laws 'always voted by the Dutch for Holland 'only (and always against Belgium), re'presented so unequally in the States-Ge'neral—the seat of all important establish'ments fixed in Holland—the most offen'sive partialities in the distribution of civil 'and military employments—in a word, 'Belgium, treated as a conquered province, 'as a colony, everything rendered a Revolu'tion inevitable.' Do you mark this? You were instrumental in effecting the junction of Sweden and Norway, and the Union of Belgium and Holland. Lord Castlereagh, who carried the Irish Union, represented you at the Congress in which the different arrangements as to Sweden and Norway, Belgium and Holland, were made. You have, yourselves, recently been parties to that separation (the result of the Union) which Belgium demanded, and you assented to the grounds on which it was required. All the public establishments removed to Holland! What has become of our Custom House, of our Stamp Office? Our Royal Hospital, too, built by a contribution made among the Irish soldiers, raised out of a *6d.* which they joyfully gave to provide for them an asylum where they might

> Shoulder the crutch, and shew how fields
> were won;

that institution, connected with our national pride, associated with our best feelings of country, you, for the sake of some miserable saving have determined to annihilate. Take warning, you have made experiments enough. Be taught not by the failures of others, but by your own. Go on as you have hitherto proceeded, and you will soon find the whole of Ireland united for Repeal. A reference has been made to the small number of signatures to petitions. If there shall be 1,000,000 next year, what will you say? We are told that the Irish people are not anxious for Repeal. Are thirty-eight Irish Members out of 105 nothing? What other test do you demand? The last election ought to exhibit the truth. That last election verified the prediction which I made to the Chancellor of the Exchequer: I went to him when the Tithe Bill was pending in 1832. I told him what would happen. I exclaimed, "you are on the eve of a general election; you are driving the Irish to fury by your tithe measures, and the result will be, that on every hustings in the south, the standard of Repeal will be planted." It is said that the gentry are against Repeal. How fast do the gentry of every country fall into the mass of the people? They desert one by one, and the moment it is their interest, they combine with the class they once designated as the populace. It is in politics as it is in religion—a sect begins amongst the inferior orders, and spreads, and mounts. The opinions of the higher classes do not descend to those below them; it is

> The mist that o'er the marsh glides,

that gradually rises, and envelopes the heights of society. You fear that separation may be the result of Repeal! What may not be the result of its maintenance? Let a few years go bye, Catholic and Protestant will become reconciled (their divisions cannot last for ever)—the popular power will augment—the feelings of the people will be extended to their Representatives—the absentee drain will continue—the Church system will be still maintained—the national mind will become one mass of fiery emotion—the same disregard for the interests and feelings of Ireland will be displayed, and—then (may God forfend that the event should befal) if there should be an outbreak of popular commotion here—if the prediction of the Conservatives should be fulfilled—and if your alliance with France, which is as unstable as its dynasty, should give way—then you may have cause to lament—but lament when lamentation will be as unavailing as it will be poignant—that you did not do justice to Ireland.

Sir *Robert Peel* spoke to the following effect:—*Mr. Speaker, I am most desirous to consult the general wish and general convenience of the House. To myself it is a matter of entire indifference whether I speak now, or at a future period, if the House shall prefer an adjournment of the debate. [*Cries of "Go on."*] My own opinion is certainly in favour of proceeding at present, in order that we may make some effective progress in a discussion which has already continued for four days. And if, Sir, it should continue for thrice that period, and if ingenuity, if research, if eloquence, greater in a tenfold degree than that which has already signalized this debate, should be brought to bear upon its future stages, they would add nothing to the force of that conviction which compels my support of the Legislative Union. There are truths which lie too deep for argument; truths, to the establishment of which, the evidence of the senses, or the feelings of the heart, have contributed more than the slow process of reasoning; which are graven in deeper characters than any that reasoning can either impress or efface. When Dr. Johnson was asked to refute the arguments for the non-existence of matter, he stamped his foot upon the ground, and exclaimed, "I refute them thus." When Mr. Canning heard the first whisper in this House of a Repeal of the Union, this was all the answer he vouchsafed—the eloquent and indignant answer, the tones of which are still familiar to my ear,—"Repeal the Union! Restore the Heptarchy!" Did Mr. Canning decline to argue with the proposer of Repeal from the lack of argument? No; but because conviction of the folly of the proposal flashed upon his mind with an instinctive force, which required a more rapid vent than any that the tame and tardy processes of reasoning could supply. He overleaped the barriers of cautious demonstration to arrive at the great truth with which his emphatic exclamation was pregnant; that the Repeal of the Union with Ireland was tantamount to the dissolution of the British Empire; that it could only be assented to upon principles which resolved society into its first elements.

I repeat, that I want no array of figures, I want no official documents, I want no speeches of six hours, to establish to my satisfaction the public policy of maintaining the Legislative Union. I feel and know that the Repeal of it must lead to the dismemberment of this great empire; must make Great Britain a fourth-rate power of Europe, and Ireland a savage wilderness; and I will give therefore, at once, and without hesitation, an emphatic negative to the motion for Repeal. At the same time, I entirely approve of the course which has been taken by those who have led the opposition to the learned Member's (Mr. O'Connell's) proposal. I rejoice that it should have been intrusted to two natives of Ireland (Mr. Spring Rice and Mr. Emerson Tennent) to correct the misstatements, to expose the fallacies of the learned Member,—to demonstrate, by proofs that have been unassailed, and are unassailable, that whatever there is of Irish prosperity is mainly attributable to the Union, that the policy of the United Parliament towards Ireland has been just and liberal, and that the common interests of the whole empire, but especially the interests of Ireland, forbid us to impair the Union. I rejoice, also, that a Member from Scotland (Sir D. Sandford,) deeply impressed with the benefits that country has derived from her connexion with England, and enabled to bear the most recent testimony to the progressive increase of those benefits, has contributed his very able exertions to the common cause. It is right that the force of demonstration should be resorted to for the satisfaction of those (if any there be) who entertain an honest doubt upon this subject, and that posterity should have upon record the overwhelming proofs by which the policy, the absolute necessity, of maintaining inviolate the Legislative Union, have been triumphantly established.

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The conviction in favour of that Union springs from every source from which conviction in the human mind can arise. Consult your senses,—consult your feelings,—consult reason, history, and experience; they all concur in enforcing the same truth.

Consult your senses. Look at the map. Look at the geographical position of the British Islands, their relative position to the Peninsula, to France, to that great empire which is rising in the West on the opposite shores of the Atlantic; can you entertain a doubt that it is necessary for their common security, that the defensive energies of these Islands should be placed under the control and direction, not of one executive, liable to be thwarted by the conflicting decisions of different Legislative Councils, but of one united, superintending, supreme authority, representing the general will, and provident of the general safety? Do not you feel convinced, by the evidence of sense, that there exists an obstacle to Repeal, more powerful than any that mere argument can suggest? *Opposuit natura.* There is a physical necessity that forbids Repeal.

I beg pardon of the learned Gentleman (Mr. Sheil) for having been so long diverted from any direct reference to his very able and very entertaining speech. Three-fourths of it, at the least, require no notice from me; but to the remainder, to all that portion of it that contained an argument, or the semblance of an argument bearing on the question of Repeal, I will address myself fully. I pass by his vindication of the learned member for Dublin—I pass by his attacks on his Majesty's Government—his quotation from former speeches of the member for Cambridge (Mr. Rice)—all, in short, that consists of mere *argumenta ad hominem* of which I personally do not feel the force, and in the reply to which I am not in the least concerned. It may be true that the Reform Bill was carried by menace: it may be true, that the deliberations of the House of Lords were controlled by the demonstration of physical force, not discouraged by the King's Ministry: but if this be so, let the vile precedent be to us a warning and not an example—a warning that we do not permit the occasional, to grow into an habitual degrading restraint.

I shall proceed now to review the arguments which have been adduced in support of the Motion; for, Sir however needless argument may be for the confirmation of my own impressions, I am little desirous of shrinking from the appeal to reason, or from the closest examination into the value of anything that has been urged in favour of Repeal. I will notice, as I proceed, the several arguments of the learned Gentleman, (Mr. Sheil.) My main object will be to show, that of the various charges preferred against England, some are without foundation; and that there is not one, which, even if clearly established in point of fact, could be relied on as a reason for Repeal. I shall next attempt to demonstrate, both from history and from strict logical proof, that two Legislatures really independent cannot co-exist in England and Ireland, consistently with the maintenance of a common Monarchy, and with a friendly connexion between the two countries.

I will first dispose of the predictions of the learned Gentleman, (Mr. Sheil.) He appeared here in the character of a prophet, as well as a reasoner; and with a confidence which I shall show to be misplaced, he claimed credit for the probable truth of his present, by a triumphant reference to the fulfilment of all his former predictions. He says that nothing has been done for Ireland; that every engagement remains unperformed; that unless we relinquish tithes, and still further reduce the Church Establishment, we must abandon all hope of conciliating the people — meaning, I presume, the Roman Catholic—of Ireland. Sir, I will do anything to conciliate any portion of the people of Ireland, that is just towards them, just also towards others. But, alas! we have had many warnings, that conciliation and peace are not the necessary results of concession and of intended kindness. The learned Gentleman has referred, in very courteous and very flattering terms, to the sacrifices which I personally made in restoring the Roman Catholics to complete political equality. I claim no credit for those sacrifices—I was a servant of the Crown, and undertook office under the implied obligation to submit cheerfully to such sacrifices, should they be inevitable. I did nothing more than my duty, in giving to the Crown that advice which I thought the best according to the exigencies of public affairs, and in not shrinking from the personal responsibility and personal sacrifices of acting upon that advice, when the Crown commanded my services. If, indeed, I did make sacrifices, how must they now be aggravated when I find every hope of peace disappointed, every promise of grateful acknowledgment violated by the parties who gave them? What right has the learned Gentleman to call upon me to confide in his present prophecies, in his present assurances, that certain further concessions being made, there will be peaceful obedience to the law in Ireland? I summon the learned Gentleman as a witness against himself. In 1825 he was called on to give evidence before the Committee that was appointed in that year, to consider the state of Ireland. Upon that occasion the following question was put to him:—"Do you think, in case the general question of Catholic emancipation were settled by Parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?" His reply, the reply of Mr. Sheil, was as follows:—"I am convinced that it would not be in the power of any individual, no matter how great his influence might be, nor no matter how perverse his ambition might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much inflammatory matter is conveyed through the country." But the hon. and learned Gentleman did not stop here. He did not content himself with this simple and satisfactory answer to the question put to him; so impressed was he with the necessity of establishing the fact, that the Roman Catholic body in Ireland would be perfectly contented with the removal of their political disabilities, that he proceeded in his reply to volunteer the following statement on a subject which was happily selected by himself for the purpose of illustration:—'Let me take,' he continued, 'the question of the Union, for 'example: there are many who suppose 'that if the Catholic question were to be 'satisfactorily arranged, the merits of the 'Union would be discussed; but I am 'convinced that if the Catholic question 'were settled, a great body of the population, so far from being dissatisfied, would 'be perfectly contented with the Union, or 'be indifferent to it. Whenever any mention is made in a Roman Catholic assembly 'of the evils of that measure, it is made for 'the purpose of rhetorical excitement, and 'not with any serious view upon the part 'of the Speaker to disturb that, which in 'my humble judgment is perfectly indissoluble. In answer to the question I beg 'to add this, that I am perfectly convinced 'that neither upon tithes nor the Union, 'nor any other political subject, could the 'people of Ireland be powerfully and permanently excited.' Then I turn round upon the hon. and learned Member who gave this evidence, and I ask him, how can you refuse to vote for the present resolution? Where are your objections to that resolution, the principle of which you so strenuously maintained in 1825? How comes it that you hold us to be wrong for asserting now the opinion that you yourself asserted then? And mark the difference of circumstances. You were then, in 1825, an excluded Catholic, suffering under what you considered an injustice, and yet even then you declared that the British empire should not be dismembered, for that the Union was perfectly indissoluble. What events have occurred since 1825 to justify your retraction of the opinion that you then expressed? Since that period the Catholic disabilities have been removed, and yourself have boasted this very night that at the present moment there are thirty Catholic representatives speaking within these walls the sense of the Roman Catholic people of Ireland. What pretence then is there now for continuing to sport with the peace and happiness of Ireland, without "having any serious view," and for the "purpose of rhetorical excitement?"

Let us review in order the several accusations against Great Britain. The first is a charge of bad faith, or rather of express violation of the Act of Union. The learned Gentleman (Mr. Sheil) observes, that by that Act it is provided, that the surplus of Irish revenue that may be left after paying the charge of the separate debt and establishment of Ireland, shall be appropriated to Irish objects, and expended in Ireland; that it has not been so, but has been reserved and spent in England. Now, I answer, that there is no surplus; there can be no surplus; and that the Act of Union makes no provision respecting the appropriation of a surplus under the present financial circumstances of the two countries. The Act of Union did provide, that so long as Ireland contributed a certain proportion, namely, two-seventeenths to the general expenses of the empire, in the event of there being a surplus after defraying the interest, sinking-fund, and separate charges to which Ireland was liable, that surplus should be applied either to the remission of taxes in Ireland, or to local purposes. But the Act also provided expressly, that if Parliament should declare, that all future expenses, and the interest of the joint debts shall be defrayed indiscriminately by a common contribution from taxes equally imposed on all parts of the empire, 'that from the period of such de-'claration, it shall no longer be necessary 'to regulate the contribution of the two 'countries according to any specific propor-'tion, or according to any of the rules 'herein-before described.' The declaration in question has been made, and made too for the express benefit of Ireland; and from the moment of making it, the existence of a surplus of Irish revenue became of course impossible.

The learned Gentleman says, that, in contributing two-seventeenths, Ireland was subject to a burthen beyond her strength. Be it so; but the burthen was imposed on Ireland by the Irish Parliament, and was removed by the Imperial Parliament, which redressed completely and for ever the unequal pressure. Surely, the deduction from these premises, that the Union ought to be repealed, and the Irish Parliament reinstated, is not a very legitimate one. As for the sagacious remark of the learned member for Dublin, that two-seventeenths —the fractional proportions as he called them—were selected as the amount of contribution for Ireland, for the express purpose of puzzling and bewildering the people, and concealing from them the real amount of the charge imposed upon them, it is unworthy of any other comment than that it shows the sad extremity to which the learned Gentleman must have been reduced for want of argument.

The learned Gentleman says, that absenteeism is an admitted evil. No doubt; but the Repeal of the Union is not an admitted remedy for that evil. It existed before the Union. It certainly has existed, it may have increased since; and, if it has, what is the cause? That accursed system of agitation which has disturbed all the relations, and poisoned all the intercourse of society—which has prevented all application to the peaceful pursuits of industry, has barred the access of improvement from the introduction of English mechanical skill, and English capital—and has banished from his home many a friend to Ireland, disgusted with the rancour of this eternal strife. He is threatened with danger to his life if he resides, and with the forfeiture of his estate if he is absent; and then you wonder that men of property are not contented, and you complain that Ireland is not improved.

The learned Gentleman says, that there is the greatest misery in Ireland at the very moment that the granaries are bursting with corn. Who denies the fact? But what connexion is there between the admitted fact, and the conclusion the learned Gentleman draws from it, that the Union ought to be repealed? The learned Gentleman himself, in the course of his speech this night, dwelt upon the miserable condition of English labourers, and the horrors of an English workhouse. But surely there are in England warehouses groaning with manufactures, and granaries bursting with the produce of the land. There exist, then, in England, as well as in Ireland, the extremes of abundance and of want—the same unequal distribution of worldly goods of which the learned Gentleman complains. Now there must be causes for this, so far as England is concerned, totally independent of the Union. What right, then, has the learned Gentleman to conclude that the same state of things in Ireland was either caused by the Union, or would be remedied by its Repeal?

It is said, that England mis-governed Ireland for centuries. I admit the fact. Mis-government was the hard condition, twin-born with a separate Legislature. Mis-government constituted the vindication of the Union; and the certainty of its recurrence is the main argument against Repeal. But where was the object of the learned Gentleman in hunting out the atrocities that were covered by the oblivion of five centuries, except to revive national animosities, and to provoke hatred against England, and English connexion? Is this the spirit in which that connexion is to be severed?—are these the auspices under which Ireland is to undertake the new duties of self-government? No doubt there were acts of violence, acts of injustice, acts of savage retaliation, during the long struggles in rude ages between the English settlers and the Irish natives, and between the hostile religious factions of later times. What concern have we with these things at the present time? We might, with just as much reason and good sense, detail all the acts of wrong and perfidy that followed the Norman Conquest, and demand restitution of the invaders. One would suppose, from the tone and tenor of the learned Gentleman's historical detail, that England, in the reign of Henry 2nd had found Ireland a happy and united country, enjoying in a state of Arcadian simplicity, all the blessings of equal law, and well-regulated liberty, Now, the state of society in Ireland may have been bad enough in the first periods of English connexion, but it was worse before. It is thus described by an ancient writer of Ireland, on this point an impartial and unexceptionable authority. He says, that, 'Never any nation upon earth annneared 'the Milesian Irish in the most unnatural, 'bloody, everlasting, destructive feuds that 'have been heard of—feuds so prodigiously 'bloody, that, as they were first founded, 'so they still increased and continued in 'blood, from the foundation of the Monarchy in the blood of Heber, to the murder 'of the penultimate Monarch, Muirehiortah 'M'Neil. Feuds continued with the most 'hellish ambition, and followed with the 'most horrible injustices, oppressions, extortions, rapines, desolations, perfidiousness, treasons, rebellions, conspiracies, 'treacheries, and murders, for almost '2,000 years.' He never read of any other people in the world 'so implacably, so eternally, set upon the destruction of one another.' He tells you of '600 battles 'fought cruelly and unnaturally by men 'of the same country, lineage, language, 'and religious rites; and that 118 Irish 'Monarchs were slaughtered by their 'own subjects, whereof ninety-four were 'murdered, and of them eighty-six were 'succeeded by the regicides, among which 'he finds one brother and one son.' As Campion says, 'If this be true, the Irish 'have much reason to thank God and the 'English for a more civil and regular 'Government exercised over them.'

I come to charges of a more recent date. The learned Gentleman prefers against Mr. Pitt and Lord Castlereagh, this atrocious and incredible accusation:—That they fomented the Rebellion in Ireland, in order that they might have a pretext for proposing the Union; and that they might be enabled, by an immense military force, to overawe public opinion. I will examine this charge a little more in detail; not so much with a view to refute it, for that is unnecessary, as for the purpose of exhibiting the spirit in which it was conceived, and of exposing, by one example, the probable foundation of other similar accusations. The charge amounts to this:—That, in the years 1796 and 1797, two Ministers of the Crown thought it useful for the public service to encourage a general Rebellion in Ireland—that is to say, that during the most perilous crisis of the war, after the French successes in Italy, after the disasters of Austria, after the Treaty of Campo Formio—notwithstanding the mutiny at the Nore, and the threatened invasion of Ireland, two Ministers were found wicked enough, and mad enough, to take upon themselves the responsibility of deliberately provoking and fostering a Rebellion in Ireland. This Rebellion was to be the means of effecting the Union of Ireland with England, the real object of which Union the learned Gentleman has also been fortunate enough to discover; and the end seems to be quite worthy of the means. The object was this: that England, whose financial resources began to fail, might dip her hand into the purse of Ireland; of that same Ireland, observe, which was first to be desolated by a bloody Rebellion fomented by the country which coveted a share of her wealth.

The ground, the single ground, on which the learned Gentleman preferred this accusation, was a paper which he found in the Appendix to a Report from a Secret Committee in Ireland, which paper was furnished voluntarily to that Committee by the very Ministers whose guilt it is supposed to have established. It appears from that paper, that information was given from time to time by a person engaged in the conspiracy, to a Magistrate in the north of Ireland, detailing the names of the leaders in the conspiracy, and the times and places at which they assembled. "The Government, therefore," says the learned Gentleman, "might at the outset have apprehended the leaders, thrown them into gaol, and crushed the incipient Rebellion." Why, Sir, it is not always very easy to deal so summarily with leaders of conspiracies. Sometimes their professed objects are totally different from their real ones. These conspirators in 1796 and 1797, in all their public declarations, framed on the most approved models, breathed nothing but the spirit of peace. Catholic Emancipation and Constitutional Reform were the avowed objects of the confederacy. Perhaps, too, they were fortunate enough to find, as other combinations have found in later times, skilful advisers—learned in the law—volunteering to act as their Solicitors and Counsel; and teaching them the precise extent to which they might adventure in defiance or evasion of the law, without endangering their own necks. It was, Sir, only on Monday last, that this City witnessed the disciplined array of 25,000, or 30,000 men, marching in column through the streets of London for the professed object of simply presenting a petition to the Secretary of State. Three days preceding—one week only from the time when the learned Gentleman asks for my consent to a measure which will establish his dominion in Ireland—he fortunately enabled me to judge in what manner and for what objects that dominion would be by him practically exercised.

On the occasion to which I refer, the hon. and learned Gentleman stated, that he had been waited upon by a deputation from the Trades' Union. He said, 'that 'their object was to call back the Dorset 'labourers; and he advised them to send 'such a petition to his Majesty to effect 'that object as would take a cart and six 'horses to convey it to the Palace. No 'man had a right to condemn Trades' 'Unions who was not prepared at the same 'time to give to the people the right of 'voting for their Representatives in Par'liament. The first step which they ought 'to take was to obtain that right. * * * * The hon. and learned Gentleman added, 'that he was waited upon that day by a 'deputation from the Trades' Union, who 'requested him to act as their confidential 'Counsel. He accepted the office, on con'dition that they should accept his services 'gratuitously, and the hon. member for 'Colchester, who was present, had also 'consented to act as their Solicitor; and 'they would both unite in teaching them 'to avoid the many traps which the law 'presented to ensnare them at every step 'they took. He (Mr. O'Connell) was an 'apostle of the *Movement* party, and a 'greater Radical could not exist than the 'man before them. He advised those 'whom he addressed, not to mistake their 'power, or misdirect it. Let them keep 'their tempers, and wait their time. Let 'them act peaceably, legally, and con'sistently, but multitudinously; and by 'prudence, caution, energy, and unre'mitting exertions, they would effect their 'object.' Was it not probable that the same Gentleman, "the great apostle of the *Movement* party," who so offered his services to Trades' Unions in this country, would in his own, on questions of still greater excitement, endeavour to control the opinions of the Irish Legislature by a similar display of physical force, well organized and instructed in what manner "they might best evade the traps which the law presented to ensnare them?"

But to return to the charge against Mr. Pitt and Lord Castlereagh. There never were men who, entertaining the design of secretly fomenting a general Rebellion, committed such blunders in the execution of their project. Their manifest interest must have been to allay public suspicion at first, to suppress all information as to the existence of a dangerous conspiracy, until their plot was well matured, and their Rebellion just ripe for explosion. Yet I find that, on the opening of the Session, so early as January, 1796, these Ministers were guilty of the manifest indiscretion of making the following communication to the Irish Parliament through the medium of the King's Speech:—

'My Lords and Gentlemen.—It is with 'regret that I feel myself obliged to advert 'to those secret and treasonable associations, 'the dangerous extent and malignity of 'which have in some degree been dis'closed in several trials, and in the disturb'ances which have taken place in some 'parts of the kingdom. It remains for 'your prudence and wisdom to devise such 'measures as, together with a continuance 'of those exertions, and the additional 'powers which, by the advice of the Privy 'Council, I have thought it necessary to 'establish in several counties, will prevent 'the return of similar excesses, and restore 'a proper reverence for the laws of the 'country.'

The Irish Parliament again assembled in the same year, and, on the 13th October, 1796, his Majesty made to that Parliament the following communication:—

'His Majesty has required your attend'ance in Parliament at this early period, 'in order that he may resort to your de'liberative wisdom at a time when the 'ambitious projects of our enemies have 'threatened to interrupt the happiness and 'prosperity of his people, by making a 'descent upon this kingdom and Great 'Britain.'

On the very next day, the 14th October, a Motion was made by the Government of Ireland, for the suspension of the Habeas Corpus Act. Mr. Ponsonby said, if he stood alone he should resist it. Mr. Curran opposed the Bill. Now, observe the charge which he preferred against Ministers. 'If 'Ministers wished to excite alarm, they 'might succeed; they had already suc'ceeded. Their industrious reports of an 'invasion, of which he was convinced they 'had no apprehension, had nearly destroyed 'public credit in the South.' This speech of Mr. Curran, ridiculing the threat of invasion, was made on the 14th October, 1796, and on the 18th December, of the same year, eighteen sail-of-the-line, fifteen frigates, and sloops, and transports, for an army of 25,000 men, sailed from Brest, for Bantry Bay. They sailed, no doubt, in the learned Gentleman's opinion, in concert with Lord Castlereagh and Mr. Pitt, for the purpose of fomenting the Irish Rebellion, and opening to England the purse of Ireland.

The charge now preferred against the Government of Mr. Pitt and Lord Castlereagh, is, that they did not in 1796 and 1797, apprehend men who professed to be patriots, but were really traitors. Of the charge which would have been preferred against that Government at the time, if too lavish a use had been made of the powers intrusted to it, we may judge from the observations made by Mr. Grattan, in opposing the suspension of the Habeas Corpus Act. 'Any active citizen,' said he, 'any offensive Catholic, any friend to 'Parliamentary Reform, and enemy to 'the abuses of the Government, may be 'committed to Newgate without the smallest 'truth, and without any responsibility.'

Again, as to the charge, that the Government made a wanton and unnecessary increase to the military force in Ireland, for the purpose of controlling the expression of public opinion, and putting down resistance to the measure of the Union. On the 21st February, 1797, in the Irish House of Commons, there was an accusation preferred against the Government by the Opposition, connected with the military force in Ireland; but the accusation was, not that the Government had unduly increased the military force, but that, from neglecting to increase it, they had exposed the country to serious peril. Mr. Ponsonby made a Motion for Returns of the troops serving in Munster; of the number of troops stationed in Ireland; of the cannon fit for service, for the purpose not of impeaching the military despots at the head of Government for increasing the military establishment, but for precisely the reverse —for neglecting to increase it. When the Government, in February, 1797, made a modest proposal to add 10,000 men to the regular force, it was scouted as far beneath the necessities of the times, and it was moved by Mr. Lawrence Parsons, and he was supported in the Motion by the opponents of the Government, that 50,000 Yeomen be forthwith employed, in addition to those that were already on the establishment. The men that opposed the Motion were those who are now charged with having sought for frivolous pretexts to increase the military force. So much for the accusation preferred by the learned Gentleman on this head of charge; and, as I before observed, I have troubled the House with a refutation of it, not because I attached any importance to it, but in order that they might be enabled the better to judge of the general spirit in which the learned Gentleman's whole speech was conceived, and of the probable foundation of the other charges that he has preferred against the British Government.

He says, and the learned Gentleman who spoke last repeats the accusation, that the policy of that Government, continued up to the present time, has been founded on the maxim, *Divide et impera;* on the principle of sowing dissensions between Roman Catholic and Protestant, for the purpose of preventing their amalgamation and union.

Now here again, Sir, whatever truth there is in the observation is fatal to the present Motion. While there existed a separate Legislature, England had no alternative but to rule by party, and by the divisions which such a rule must generate. But since the Union, she has been enabled to adopt, and she has adopted, another system. She has refused to be a partizan; she has attempted to moderate the rancour of religious feuds; she has interposed to protect you from yourselves, and she has met with the fate which is not uncommon to those who interfere in other domestic quarrels, she has drawn upon herself the wrath of the parties she attempted to moderate. One-half of the unpopularity—the merely occasional, I trust, and fleeting unpopularity of the British Government in Ireland, is fairly ascribable to the following causes—that since the Union she has used her influence to suppress the unseemly triumphs and insulting exhibitions of party feeling—that she has held the scales of justice with an equal hand, and has, therefore, alternately disappointed those of opposite opinions, who hoped for her co-operation in crushing a rival—that she has introduced economy and order into the departments of Government, and has, therefore, diminished that influence which she once owed to patronage and extravagance.

But repeal the Union, and you will then see that line of demarcation between religious parties which England has attempted to blend and soften, graven with sharp instruments, and marked in colours but too distinct. You talk of the spirit of 1782, and boast, in a triumphant tone, of the conquests it achieved over the weakness of England. Yes, repeal the Union! and you shall then see that majestic spirit, the spirit of 1782, the spirit of the Protestant north, that has been lying not asleep but in watchful repose, confiding in the justice and protection of England—you shall then see it arise in conscious strength, to defend itself with its own native and sufficient energies, from that vile debasing domination which would be begotten from the foul union of religious hatred and perverse ambition.

You demand a separate and independent Parliament for Ireland. A separate one you may have, an independent one you cannot. You never had an independent Parliament. You never can have one consistently with the sovereignty of the British Crown, and the connexion with the island of Great Britain.

If you attempt to revive that system of Government which, after the completest evidence of its failure, the Union abolished, you may take your choice between these evils for Ireland—a paralyzed King or a corrupt Parliament. No, Sir, I am wrong, you will not have the choice between those evils—you will have the concurrent infliction of the two, for they are quite consistent, if not inseparable: you will have both a paralyzed King and a corrupt Parliament. Re-establish the separate Legislature, and the remaining tie—the golden band of common Sovereignty as you are pleased to call it—will be no band of gold; it will be a band of iron and miry clay, the foul mixture that betokened, in other times, a divided kingdom.

Sir, the whole question is concluded, if these positions can be proved—that Ireland never had, and that she never can have, consistently with British connexion, an independent Parliament.

It will be conceded to me, I apprehend, that upon the principle, *corruptio optimi, pessima*—the semblance of independence without the reality would be nothing but an evil and a curse, cheating with a vain mockery the country upon which it is inflicted, and bringing into general disrepute and shame the character of representative Government. Now let us first define what constitutes, at least what are essential conditions to the independence of a separate legislative body in Ireland. Such a body cannot, I apprehend, pretend to the character of independence, unless it possess, first, control over the executive authority of the State, in so far as that authority may act within the limits, or may directly affect the interests of Ireland; and, secondly, control over the public purse of Ireland, involving complete power over the taxation and expenditure of that country.

Now, first, as to control over the executive. How was such control provided for under the boasted arrangement of 1782—that arrangement which is described as having been so perfectly satisfactory that it ought to have been completely final? Why, Sir, by an Act passed by the Irish Parliament itself, and constituting part of the arrangement of 1782, it was expressly provided, first, that no Parliament should be holden in Ireland without a license for that purpose obtained under the Great Seal, not of Ireland, but of Great Britain; and that no Bills passed by the Parliament of Ireland should have the force of law within Ireland until they were returned into that country without alteration, under the Great Seal of Great Britain. Now, if the King was King of Ireland in the same sense in which he was King of Great Britain, and if his authority in Ireland was an independent authority, controlled only by an Irish Legislature, why was not the Great Seal of Ireland employed to warrant the holding of Irish Parliaments, and to certify the passing of Irish Bills, instead of the Great Seal of England? Functions of vital importance to Irish interests were thus committed to a British Minister, and where was the corresponding control over that Minister which ought to have been possessed by an independent legislative body? The Chancellor of Great Britain had the express power to paralyse the whole Irish Legislature, for he had the power by law to prevent the operation of any Bill whatever, whether it related to matters of the first importance, or to matters of mere local concern. It is no doubt foolish to speculate on the extreme abuse of such a power. But suppose it was exercised under an honest *bonâ fide* impression of the justice and necessity of its exercise, in what manner could the British Chancellor be made amenable to the Irish Parliament?

Now let us consider the Constitution of an Irish Government acting in concurrence with a separate Legislature in Ireland. Is that Government to be appointed by the Crown, independently of the advice of the British Minister; or to be appointed by the advice of the British Minister, and to act in cordial co-operation and concert with him? If it is to be appointed independently of him, who is to be responsible for its selection? and where is the man who will undertake as Minister the charge of conducting public affairs in this country and of preserving a good understanding with Ireland—if there is to be in Ireland not only an independent Legislature, but an executive authority totally independent of the British Minister, acting on its own separate responsibility, and giving to the King of Great Britain separate advice? Does any rational man believe that such a state of things could endure in peace for a month? Take, then, the other alternative. Let the Irish Government be appointed, as at present, on the advice and responsibility of the British Minister. It will then form a part—a subordinate but intimate part—of the general Government. The same spirit will influence all its acts, and direct all its councils. But the general Government, and the Irish Government as a part of it, must possess the confidence of the British Parliament. That confidence is a condition absolutely essential to its existence. But it is a condition also essential to the existence of the Irish Government, that it must conciliate the good will of the Irish Parliament, a legislative body equally independent with the British. Now, it appears even at present no very easy matter to reconcile the action of the executive with the concurrent confidence of one House of Lords and one House of Commons, and by way of simplifying the process of government we are to introduce two new elements into the system;—namely, an Irish House of Lords, and a reformed Irish House of Commons; and then we are to expect from the British Minister that he will so regulate his course of legislation and government that it shall command the assent and confidence of four independent legislative bodies, guarding respectively, in two different countries, those interests which the advocates of Repeal pronounce to be separate, and often conflicting interests.

Let us now turn to the subject of finance. The first question would be, and one preliminary to Repeal: What portion shall Ireland take upon herself of the present joint debt of the two countries? That she must take a considerable portion of it is self-evident. It is quite impossible that she could claim a participation in colonial trade, for instance, or in any other of the benefits of foreign possessions, without paying a fair share of that expense which has been incurred in obtaining and securing those benefits. There would be another question also, and one still more difficult of solution. In what proportion shall Ireland hereafter contribute to the common defence, and to the common charges of the Empire? In case of war, is she hereafter to judge for herself whether that war be a just war, a necessary war, or a war so little affecting her own special and peculiar interests that she may decline to take a part in it? If she may exercise that judgment, and if the consequence of her expressing an opinion unfavourable to the war, shall be that the whole charge of it will be left to be borne exclusively by Great Britain, what an obvious interest she will have in uniformly disapproving a warlike policy, however clear its necessity! If she does disapprove of it, in what a relation will she stand towards the enemies of Great Britain? Is she to be at peace with them, while her Sovereign, the Sovereign of Ireland as well as Great Britain, is at war? If she is not to be at peace, in what manner, and at whose cost, is her internal defence, and the protection of her commerce, to be provided for? The difficulty of determining such questions as these, compelled the adoption by the United States of that principle of government which is, in fact, analogous to the principle of our Union. Mr. Jefferson remarks in his memoirs that, among the debilities of the original confederation, no one was more distinguished, or more distressing than the utter impossibility of obtaining from the separate States the monies necessary for the payment of debts, or even of the ordinary expenses of the Government. What was the remedy? In fact, a Union—the appointment of one superintending supreme authority, which should decide, without appeal, on questions of foreign commerce, of war, of diplomacy, on all matters of general concern; and the establishment of a common Treasury, maintained by common contributions, and defraying all the charges of war, and all other expenses that should be incurred for the common defence or general welfare.

A mode has been suggested of meeting this difficulty;—namely, that the proportions of the respective contributions of the two countries should be determined beforehand, and that, in the event of war, or other specified contingencies, each should hereafter pay its allotted proportion. By what authority is this prospective arrangement to be made? Of course by the present united Parliament. There can be no other. That is to say, the united Parliament, which is declared incompetent, through ignorance and partiality, to regulate the present concerns, and to provide for the present interests of Ireland, is to be endowed with such perfect justice, and such intimate knowledge, not only of the present, but of the future condition of Ireland that it can equitably and satisfactorily determine, with reference to all possible circumstances, what proportion the future contribution of Ireland to the general expenses of the Empire ought to bear to that of England. If the united Parliament is competent to do this, why dissolve it? why not trust it with the performance of the very inferior duties of ordinary and occasional legislation?

Supposing, however, all these difficulties overcome, there are others yet in store for us. Ireland, it is said, is so differently circumstanced from England; her commercial and manufacturing interests are so peculiar, that she requires a system of legislation adapted to those peculiar circumstances, of which a domestic Legislature alone can judge. Be it so. This peculiar system will probably involve different principles of commercial policy; duties on import, bounties on export, varying from those adopted in Great Britain. Now, by what authority, and under whose control, are these duties to be levied? Who is to determine on, and to enforce, the precautions that will be necessary to prevent the constant frauds to which the revenues of both countries will be subject? Will Ireland be content to leave the sole authority, in matters of this kind, to this country? Must not she have an establishment of her own, for the collection of her own revenues—Revenue cruizers of her own—armed vessels of her own, to protect those cruizers? What does all this portend? What but constant collision, and eventual war? It appears to me, Sir, that the proof from reasoning *à priori* is decisive, that you cannot have a separate Legislature in Ireland, *bonâ fide* independent, concurrently with the Sovereignty of the British Crown, and with friendly relations with this country.

In aid of the deductions of reason, if any aid were requisite, come the examples of history, and the warnings of experience. The case of Scotland—the events that immediately preceded, and compelled the Legislative Union with that country, in order to avert the imminent hazard of her complete separation from England, would be alone decisive. The danger sprung from the same causes which would generate danger in this case. The remedy, namely, Union, was applied on the same principles, and with complete success. But I will not abuse the patient indulgence of the House, by citing superfluous examples. The history of Ireland herself, between the year 1782 and the period of the Union, is pregnant with evidence fatal to the re-establishment of the system under which her affairs were then administered—conclusive as to the fact, that under such a system the connexion between the two countries is in perpetual danger. The annals of Irish history for that short period, a period of only eighteen years, present, First, an Address to the Crown from the Irish Parliament, on the subject of the special relations of Ireland to Portugal; which Address, considered by Mr. Grattan a spiritless and languid Address, because it did not demand instant reparation for the insult offered to Ireland, implied a right, on the part of the Irish Parliament, to resent the injury Ireland had sustained, and to take such effectual means as the honour and indispensable rights of Ireland might demand. Thus, one of two events might have occurred from the decision of the Irish Parliament: either the foreign relations of Great Britain with a friendly power might have been disturbed, contrary to the wish of the British Parliament and the British Minister; or, Ireland might have been involved in a war, to which Great Britain refused to be a party.

The affair of Portugal occurred in 1782. In 1785 the propositions adopted by the Parliament of Great Britain, for regulating the commercial intercourse of Ireland with Great Britain and her colonies, were necessarily abandoned in consequence of the opposition of the Irish Parliament. In 1788, upon the great question of Regency, it is perfectly notorious that the Parliaments of the two countries pursued a different course, acting upon principles at complete variance. It is proposed to obviate the recurrence of a similar difficulty by determining beforehand that the Regent of Great Britain shall be *de jure* Regent of Ireland. That is to say, it is proposed, that the United Parliament shall now pass a law by which the future Parliaments of Ireland shall be irrevocably bound, providing, under all possible circumstances, that Regencies, however they may be constituted by the British Parliament, whether to be administered by individual Regents, or by councils of Regency, shall exercise all the functions of Sovereignty in Ireland as well as in England. Why the very admission of the necessity of making this prospective arrangement is fatal to the independence of the Irish Parliament; it proves that you dare not trust a separate Legislature in Ireland with the right to legislate in a matter that must vitally affect Irish interests. You pre-determine that Ireland should be bound by the decision of a British Parliament, in a matter of paramount importance, even in spite of an adverse decision of her own. But where is the security that Ireland will be bound by it? that she will adopt a law imposed upon her by this present Parliament, which Parliament is to be superseded in its legislative functions, on the express ground that it does not fairly represent Irish opinions, and cannot adequately provide for Irish interests?

There have been only two occasions, in modern times, in which a difference between the two countries, as to the rights of Sovereignty, could by possibility have occurred, and on both it did occur. The first was in respect to the title of King William the 3rd to the Crown of Ireland; the second, the right of the Prince of Wales to the office of Regent. But the former case was foreseen and provided for by law, for there was a Statute, enacted in the reign of King Henry the 8th, expressly providing that the Kingdom of Ireland should be for ever united and knit to the Imperial Crown of England, and that the King of England, of right, ought to be and should be King of Ireland.

Notwithstanding the Statute, notwithstanding the abdication, by James, of the Crown of Great Britain, the Irish Parliament recognised his authority as King of Ireland, rejected the statutable right of King William, and did not submit to it until compelled by the issue of civil war. It may be said, that the circumstances of the Revolution, and of the abdication of James, were very peculiar. No doubt they were. And will there ever be changes of dynasties, and revolutions, and disputed claims to Sovereign rights, without circumstances very peculiar, without circumstances that overrule the force of written laws, which did not and could not provide for them?

Thus within the short period of six years from the establishment of what is called the independence of the Irish Parliament, from the year 1782 to the year 1788, the foreign relations of the two countries, the commercial intercourse of the two countries, the Sovereign exercise of authority in the two countries, were the subjects of litigation and dispute, and it was owing more to accident than to any other cause that they did not produce actual alienation and rupture. Add to these sources of discord and misfortune, a foreign invasion in 1796, and a savage Rebellion in 1798, and what becomes of the boasted prosperity and happiness which Ireland is said to have enjoyed under the Government of the independent Parliament? I must repeat, Sir, the observation which I made at the outset —that the evidence of sense, the evidence of reason, the evidence of experience and history, are all conclusive against the disturbance of the Legislative Union.

But an alarming menace is held out to us. We are advised to consent to immediate Repeal, if we wish to avert the otherwise certain consequences of separation. I, for one, am not disturbed by that menace. If I am driven to make a choice between such dreadful evils, I very much doubt whether I shall not prefer separation—complete and entire separation—that is, the establishment of Ireland as an independent country, under a distinct form of Government, to a Repeal of the Union. I conceal from myself none of the vast evils and dangers of separation—the imminent hazard of collision between the two countries—the certain diminution to each of its power, influence, prosperity, and social happiness. But foreseeing separation to be an inevitable consequence of Repeal, I prefer separation now, to separation embittered by the additional animosities of a protracted, intermediate struggle. Separation, too, has this advantage: Powers independent of each other, have definite relations—have mutual rights prescribed by the long-settled code of the law of nations; but powers standing in the relation in which, after Repeal, England and Ireland would hereafter stand towards each other, have the limits of their respective authorities quite unsettled, and have no known arbitration to refer to for the peaceful adjustment of their differences. Whenever, therefore, the success of the Repealers shall be inevitable, I shall be very much inclined to say to them, "Gentlemen, let us part in peace; arrange your own form of Government for Ireland; establish a Republic if you please, or replace on the Throne of Ireland (if monarchy be more acceptable to you) the descendants of your ancient Kings." Not, Sir, that I would presume to interfere in their choice of a Sovereign; oh, no! I would carry to its utmost limit the doctrine of non-intervention; but, speaking as an impartial and disinterested witness, with some scanty knowledge of the ancient history of Ireland, I may, perhaps, be allowed to say thus much: that if the Throne shall be vacant, I know no one better entitled to fill it than the learned member for the county of Cork (Mr. Feargus O'Connor). Far be it from me to prejudice any other claim that may be advanced, but in return for the courtesy which I have uniformly experienced from the learned Member, I am bound to say, that at present, I know no better claim to the Monarchy than his. I find it recorded by an ancient historian of Ireland, whose very words I quote, that shortly before the invasion of Strongbow, in the reign of Henry 2nd, this very unpleasant circumstance occurred: "Dermot Macmurrough," says the historian, "King of Leinster, halt and lecherous, vowed dishonestly to serve his lust on the beautiful Queen of Meath, and, in the absence of her husband, allured the woman so far, that she condescended to be stolen away. This dishonourable wrong to avenge, O'Rorick, the King, her husband, besought assistance of Roderick or Roger O'Connor, King of Connaught, at that time general Monarch of all Ireland." From this Roderick O'Connor, the general Monarch of all Ireland, I conclude the learned Gentleman is descended. Still, Sir, I am bound to admit the fact, that there appear to have been at least two other Kings in Ireland at the same time, a King of Leinster and a King of Meath. The descendants of these Kings may, for anything I know to the contrary, prefer their claims; and I am bound in a spirit of perfect candour to confess, notwithstanding my leaning to the pretensions of the learned Gentleman, that if these claims shall be preferred, it will be his solemn duty, I do not say to abdicate, I do not say to dissolve the Monarchy, but acting on this valuable precedent, and in the very words of the present Motion, to consent to the appointment of a Select Committee, "to inquire and report on the means by which the dissolution of the Monarchies of Meath and Leinster was effected: on the effects of that measure upon those provinces, and upon the labourers in husbandry, and operatives in manufactures in Connaught, and upon the probable consequences of continuing the general Monarchy of Ireland." Now, to prove still further my perfect good-will towards the learned Gentleman, notwithstanding his strenuous efforts in the cause of Repeal, I have extracted from the very same historian who seems to establish his claim to the Monarchy, an account of the refined and impressive ceremonial which was observed in Ireland on the Coronation of her ancient Kings, and which will, of course, be revived and faithfully adhered to in the person of the learned Gentleman. According to this venerable authority, "The ancient Irish thus used to crown their King. A white cow was brought forth which the King must kill, and seeth in water whole, and bathe himself therein stark naked; then sitting in the same caldron, his people about him, he must eat the flesh and drink the broth wherein he sitteth, without cup or dish or use of his hand. So much for their old customs." I do not hesitate to place this valuable record in the hands of the learned Gentleman, to be reserved for future use if occasion should require it.

One more appeal, and only one, I will make to the House. It is to their feelings, perhaps, rather than to their cold unimpassioned judgment; but the foundations of society and of civil government are weak indeed, unless they repose upon the warm feelings of the heart, as well as upon the dictates of sober reason.

Thirty-three years have now elapsed since the passing of the Act of Union—a short period if you count by the lapse of time; but it is a period into which the events of centuries have been crowded. It includes the commencement and the close of the most tremendous conflict which ever desolated the world; in the course of which many ancient dynasties were overthrown, and every country of Continental Europe, with scarcely a single exception, was exposed to invasion and the occupation of a hostile force. Notwithstanding the then recent convulsions in Ireland; notwithstanding the dissatisfaction expressed with the Union, the United Empire that had been incorporated only three years before the commencement of the war, escaped the calamities to which other nations were exposed. The extravagant and unreasoning ambition of Napoleon, which sent half a million of men across the Continent, to the invasion of Russia, never ventured to assail even the weakest point of these countries, lying within a few hours sail of the shores of France. In our gallant armies no distinction of Englishmen and Irishmen were known; none of the vile jealousies which this Motion, if successful, would generate, impaired the energies which were exerted by all, in defence of a common country. That country did not bestow its rewards with a partial hand: it never inquired the place of birth of the heroes on whom it lavished its admiration and gratitude; it did not, because they were Irishmen, pay a less sincere or less willing homage to the glorious memory of a Ponsonby and a Pakenham. The benefit to both parts of the empire was reciprocal. We gained the full contribution of Irish valour and Irish genius; and to Irish valour and Irish genius was opened the arena of the world, and they expanded with the new and boundless horizon. Castlereagh and Canning fought in the same ranks with Pitt, and Grattan took his place in the great contests of party, by the side of Fox. The majestic oak of the forest was transplanted, but it shot its roots deep in a richer and more congenial soil. The glowing eloquence of Grattan lost nothing of its spirit; but it was chastened by a milder wisdom and a more comprehensive benevolence, that commanded, not merely the applause, but the affectionate esteem, even of political opponents. Above all, to an Irishman —to that Arthur Wellesley, who, in the emphatic words of the learned Gentleman (Mr. Sheil), "eclipsed his military victories by the splendour of his civil triumphs," —to him was committed, with the unanimous assent and confidence of a generous country, the great and glorious task of effecting the deliverance of the world.

The peace which was conquered by the sword of Wellington, was settled and confirmed by the patient and conciliatory wisdom of Castlereagh. An Irishman was selected to represent in the Congress of Europe that united empire, which, fifteen years before, had been incorporated mainly through his own undaunted exertions; and, Sir, there was not one British heart throughout the land that was defiled by the base and sordid spirit of national jealousy—that recollected, with a grudging and envious feeling, that the great parts that were then acting on the theatre of the world, were committed, not to Englishmen, but to Irishmen.

Oh! Sir, who is that Irishman who can review these events, who can reflect on the glorious interval that passed between the day when his own countryman, the Duke of Wellington, stood with his back to the sea on the rocks of Lisbon, and saw before him the whole of Europe lying prostrate in subjugation and despondency; and that day, when having never paused in the career of victory, he had broken every fetter, and had turned despair into triumph and into joy.—Who is that Irishman, who, recollecting these things, has the spirit and the heart to propose, that Ireland shall be defrauded for the future of her share of such high achievements—that to her the wide avenues of civil and military glory, shall be hereafter closed—that the faculties and energies of her sons shall be for ever stunted, by being cramped within the paltry limits of a small island? Surely, Sir, we owe it to the memory of the illustrious brave, who died in defending this great empire from dismemberment by the force and genius of Napoleon, at least, to save it from dismemberment by the ignoble enemies that now assail it.

In conclusion, let me intreat the House to bear in mind, that the consideration is not whether you shall re-establish the state of things which existed before the Union, but whether you shall sever a connexion that has subsisted for the third part of a century, and violently disturb the new relations that have grown up in the confidence that the Union was indissoluble. The question, whether the Union ought to have taken place is perfectly distinct from the question, whether, having taken place, it ought to be dissolved. Measures have been enacted in the interval, Catholic Emancipation, and Parliamentary Reform, constituting changes in the state of society in Ireland, which never, probably, would have been contemplated, never, certainly, could have been safely adopted, had Ireland retained her separate Legislature. Those changes oppose new obstacles, in addition to all to which I have before referred, to the measure of Repeal. They will aggravate every danger with which the system of Government that existed prior to the Union was pregnant. They will destroy every check upon the influence of numbers and physical strength, as opposed to the influence of property, and station, and character.

Beware how you act in the presumptuous confidence that you can restore by artificial devices the equilibrium that has been thus disturbed—that you can launch the new planet into the social system—can set bounds to its librations—can so adjust the antagonist forces which are to determine its orbit, that it shall neither be drawn back into violent contact with the mass from which it has been severed, nor flame through the void of space a lawless and eccentric meteor. To do this is far beyond the grasp of your limited faculties—far beyond any intelligence, save that of the Almighty and Omniscient Power which divided the light from the darkness, and ordained the laws that regulate in magnificent harmony the movements of countless worlds.

The Debate was again adjourned till the following Monday.

HOUSE OF LORDS,

Monday, April 28, 1834.

MINUTES.] Petitions presented. By the Duke of NEWCASTLE, Earls FITZWILLIAM and ROSEBERY, Lords KENYON and WALLACE, and the Bishops of GLOUCESTER, LONDON, CHESTER, CARLISLE, and WINCHESTER, from a Number of Places,—for the Better Observance of the Sabbath.—By the Earl of HADDINGTON, and the Duke of NEWCASTLE, from a Number of Places,—for Protection to the Established Church.—By Earls FITZWILLIAM and CAMPERDOWN, from Kilmarnock, and other Places,—for the Repeal of the Corn Laws.—By the Dukes of NORFOLK and RICHMOND, the Marquess of LANSDOWN, and Lords KENYON and SUFFIELD, from several Places, and Dissenting Congregations,—for Relief to the Dissenters.—By the Duke of NEWCASTLE, from two Places, against the Sale of Beer Act.—By Viscount BERESFORD, from one Place, against the Repeal of the Union; and from two Places, for the Abolition of Tithes.—By Lord DACRE, from Liverpool; and by Lord WHARNCLIFFE, from various parties of the same Place, against the Liverpool Freemen Disfranchisement Bill.

TRADES' UNION PROCESSIONS.] The Duke of *Newcastle* presented a petition from East Retford, praying for the adoption of some measure by the Legislature for enforcing the better observance of the Sabbath. In doing so the noble Duke said, he would take that opportunity to call the attention of the noble Viscount opposite to the disgraceful proceedings of certain bodies of persons calling themselves Trades' Unions, who were in the habit of congregating upon the Sabbath in the metropolis, in great numbers, under various pretences, to the great alarm of the respectable and peaceable inhabitants, and to the great scandal of religion. He hoped the noble Viscount would feel the propriety of taking some step in the matter.

Viscount *Melbourne* strongly reprehended the practices referred to by the noble Duke, and especially of the Sabbath being selected for such exhibitions. There could be no doubt that the whole proceeding was highly improper. At the same time, he was bound to add, that there were no means of legally arresting those proceedings so long as those taking part in them were not guilty of any direct violation of the laws. It was to be hoped that the parties would, of themselves, cease to continue proceedings so objectionable. If, however, that hope should be disappointed, and the conduct complained of should assume a more serious aspect, it might become necessary that some step should be taken by the Legislature. It was his most anxious hope, that the deluded persons who were guilty of the acts complained of by the noble Duke would return to better feelings, or rather to more sense than their present conduct exhibited. When the impropriety of their conduct should be represented to them, it was to be hoped, that the processions and gatherings of which the metropolis had lately been the theatre, would be abandoned by those who were heedlessly led to engage in them.

The Marquess of *Londonderry* concurred with the noble Duke in thinking, that the serious attention of Government ought, without delay, to be directed to the alarming and illegal, as he should apprehend, conduct of the Trades' Unions. In his neighbourhood, on Sunday last, there were not fewer than 6,000 or 7,000 men congregated, and moving in procession and array, to the great terror of the peaceable and well-disposed inhabitants. His Majesty's Government, he believed, were of opinion, that these Trades' Unions would die a natural death, and that they were even now on the eve of expiring. In this he could assure them they were mistaken. It was only that very day that 15,000 names had been enrolled. So, at least, he had been credibly informed. On Monday last he had witnessed a force of 30,000 men move in procession through the principal streets of London, putting an effectual stop to all business during the period of their march, and inspiring alarm in the minds of all the respectable inhabitants through whose neighbourhood they passed. Surely there might be no Government at all if they could not protect the metropolis from scenes such as this. He implored the noble Lord to take some steps to arrest the progress of these proceedings, and to protect the peace and happiness of the country.

The Earl of *Eldon* could not refrain from offering a few observations to their Lordships on this subject. It seemed to him as if they were losing sight of all the settled principles on which a country ought to be governed. The multitude assembled the other day, whose aspect was that of force, could not but weaken the Government; and he was of opinion, that the assembling of large numbers in this menacing manner was in itself an offence. He knew, too, if such an opinion had been stated from the mouths of the Judges of England, that it would have been of infinite use; it could not have failed to produce a most important effect. He knew, that the Government had their reasons for not doing this; and being aware of those reasons, there was no man who was more inclined to make liberal allowance for them. He remembered, when a noble Lord had said, that, no matter in what numbers people met, if they did not meet for an unlawful purpose, the mere numbers would not make their meeting illegal. He agreed, that if the subjects of the country lawfully met to discuss their grievances, their numbers would not make such a meeting illegal; but if they met, as their Lordships were told in those sources of authority which they had the misfortune to refer to every morning of their lives, these men did meet, their purpose was unlawful. They were told, that meetings had been held to refuse the payment of certain taxes. They should, perhaps, soon be told, that meetings had been held to refuse the payment of all taxes whatever. He asserted, that these meetings superseded the authority of the Government. The people had a right to a discussion of their grievances; but that any class of men should join together to declare, that they would disobey the law was, he asserted, an offence against the law. Neither had any men a right to meet together to constrain others to adopt a particular course in their business. He would illustrate his meaning by a case. He had a right, as an individual, to say, "I live in a certain street, and I will not employ a single tradesman in that street;" but he should have no right to come down to that House, and say to every noble Lord in it, "Let us agree not to deal with a single tradesman in that particular street;" for that would be a conspiracy, and all who joined in it would be liable to be punished for a conspiracy. He hoped their Lordships would not allow those meetings. He solemnly declared it to be his opinion—and he considered, from the high judicial station which he had had the honour of holding, he would not be justifiable in withholding that opinion,—that such meetings were illegal, and, if not opposed, would be attended with mischief.

The *Lord Chancellor* thought, that he should not discharge his duty—especially when he considered the high and responsible situation which he had the honour to fill,—if he suffered the present occasion to pass without stating his opinion to their Lordships on some points which had been thrown out in the course of the present conversation. Feeling, as he undoubtedly did feel, just as much as any noble Lord who had addressed their Lordships,—feeling just as much as his highly respected and learned friend who had that moment sat down felt, as to the great and deep importance of the subject which had been introduced, he would at once say, that he entirely agreed in the sentiment, that it was illegal, for vast and unnecessary numbers of men to assemble together. If he were wrong in this opinion, he could only say, that it had been so decided; if he were wrong, then was he wrong with all those who had entered and recorded their opinion on the question, whether that opinion came from those who were on the Bench, or from those who, having a perfect knowledge of the law, had given their opinion in private. His opinion distinctly was,—and he had not for one moment concealed from any party that his opinion was clear and decided,—that it was not lawful for men to assemble in vast bodies, disproportioned to the necessity of the occasion, and unjustified by peculiar circumstances. Those assemblages were, he conceived, illegal, where men were brought together in multitudes infinitely greater than was demanded by any apparent necessity for such a convocation. Why was it so? Because such meetings tended to produce great public mischief, — because they tended to the intimidation of the peaceable subjects of the King. Further, he would say, that in a great mercantile and industrious country like this, such meetings tended to effect extraordinary mischief, because they interfered with the peaceable pursuits of life, and caused a serious interruption to the quiet labours of industry. Such assemblages had, besides, an almost inevitable tendency to endanger the peace of the kingdom, by choking the ordinary channels of communication, and preventing that circulation of individuals which was essential to all the business of life. Such were the necessary consequences of the assemblage of large bodies of men. But, in stating this, he hoped he should be allowed to add, and his noble and learned friend must himself be aware, that a Minister was placed in a most difficult and delicate situation when he was called on to act with respect to the proceedings of large public meetings. He had always to ask himself this question,—he had always thus to reason,—"It being the undeniable and sacred privilege of the King's subjects to assemble and meet together for the consideration of their own interests, for the consideration of what they might deem grievances,—it being their undeniable and sacred right to assemble for these purposes,—it is a difficult point for me, even after due deliberation, to decide, when, in any particular instance, they pass the proper point; it is difficult for me to decide how far they may go, and where they must stop." As a general principle, it was manifestly wrong to draw together a large assemblage of people—to form an immense procession—for the mere purpose of doing that which six people could execute just as effectually as 60,000. This he confidently laid down as the legal rule. It was, certainly, lawful for men to meet together to consider of their grievances, and of the best mode by which they could be remedied; but it was a different thing when large bodies paraded together for the purpose of doing that which could be as well done by a few, and which looked more like an assemblage for intimidation than for any really useful object. Let their Lordships, however, look to the peculiar situation in which his noble friend (Viscount Melbourne) was placed. If ever there was a case in which a feeling not to strain or to press the law might fairly be entertained,—if ever there was a case in which, more than another, any excess that might have been committed under a mistaken sense of public rights might be overlooked, it was that to which allusion had been made. It assuredly was in this case, where the object of the assembled multitude was not selfish,—where they were not looking after their own views,—where they were not considering their own private interests,—but where they, at all events, declared, that they came forward to seek for mercy in behalf of a certain number of their fellow-countrymen who were suffering under the sentence of the law. That these men were lawfully convicted, that they were justly convicted, he entertained not the shadow of a doubt. The Judges who seriously considered the case,—the lawyers who were best acquainted with the subject, did not, indeed they could not, entertain the shadow of a doubt, that these men were justly and properly convicted, and that, too, of a very grave and serious offence. It was the most preposterous thing,—it was the most audacious assertion,—it was the foulest and the most unpardonable calumny against the Judges of this country and the laws of this land, to say, as had been falsely and industriously asserted, (by some, too, who knew better) that these six men had been convicted, and sentenced, and punished, because they were members of the Trades' Unions. It was utterly false. Not one of these men was accused of being a member of a Trades' Union,—not one of them was tried for that, which was hitherto no offence; no; they were tried and convicted, and were now suffering punishment, for one of the worst offences that could be conceived,—an offence most dangerous in itself, and fraught with worse danger still in its more remote consequences; leading to conspiracy,—leading to a violation of the rights of property,—leading to effects the most repulsive to human feelings and the most inexcusable amongst human beings,—leading, as he would emphatically say (because he knew it from the way in which many of those secret oaths were framed), even to assassination itself. These men were tried for taking unlawful oaths—an offence until within these few years past unknown in this country,—a system which, he believed, bad as it was in itself, bad as it was in its first object, had a decided tendency to lead to offences of a deeper and more deadly die. He felt himself called upon to say thus much in vindication of those friends of his on the Bench who had to do with those trials, and against whom the foulest and the vilest calumnies had been vented, because they had dared to proceed fearlessly in the conscientious discharge of their duties. Under these circumstances, he felt it to be his duty, placed as he was at the head of the Law Department of the Government, to state what those men were not tried for, and to state what those men were tried for. But their Lordships had got into a digression relative to the general topic of Trades' Unions and Processions, whereas the noble Duke had called their attention to processions of a different nature—processions attending funerals. Now, he did not know to what number those who attended funerals should be restricted; that he had yet to learn. If funerals, however, were made a pretence for the assembling of numbers whose purposes were different from those which had been openly stated, then it became another question. He, for one, felt unspeakable regret, when he heard, for the first time, that funerals were to be made a species of excuse for assisting the purposes of Trades' agitation. He had no great apprehension, indeed, that such a system could endure—he did not think, that it ever could be carried to any extent—he could not believe, that Englishmen would convert the opportunity of showing their respect and veneration for the dead, into a means of exhibiting political hatred and hostility towards the living. In consequence of his feeling on this subject, he had been at some pains to ascertain the numbers which attended the funeral of yesterday, as compared with the numbers that attended the Procession on Monday last. He had been informed, by an authority upon which he could place every reliance, that in the Procession on Sunday last, the numbers had fallen off in a great proportion, as compared to former processions. He trusted, indeed, that the good sense, the good feeling, and, if he might use an ordinary expression, that the good taste, of his countrymen, or at all events, that their kindly and decent feelings, would induce them to abstain from such displays; and that those attempts which were made against their own good, and this trick which was intended for their own delusion, would fail soon of having any effect. He spoke on this subject, with a sincere desire to promote the best interests of the country—of the people themselves. In expressing these sentiments, he spoke for, not against, the humbler classes. Of this he was certain, that the worst enemies of the people, the worst enemies of the trades themselves, the most pernicious counsellors that they possibly could have, were those who had advised them to adopt the line of conduct which they had followed since the period of the repeal of the Combination-laws. The Combination-laws had been repealed ten years ago, but though they had been repealed, there was no law whatever that countenanced the proceedings which had since, in many instances, been adopted by the Trades' Unions. He gave his advice sincerely to his humbler fellow-countrymen on this subject; he had often been their counsellor; he had been their fellow-labourer in obtaining a repeal of the Combination-laws; for though he had not supported that measure in all its parts in the other House of Parliament, yet it was one, of which, upon the whole, he had approved. He trusted, that the members of the Trades' Unions would listen to the wholesome and wise advice of those who had no interest in deceiving them, and who counselled them no longer to follow those men, who, for their own private advantage, wished to lead them astray. He hoped, that their own good sense would show them that such proceedings were diametrically opposed to their own best interests, and that they would no longer continue to contribute the hard-wrung pittance from their dearly-earned wages, for the purpose of supporting a set of idle, good-for-nothing agitators; who got them to engage in those proceedings—nominally against the masters, but in reality against themselves—nominally for the good of the working classes, but in reality for the gain of those worthless, idle, and mischievous agitators. Having said so much on this point, he would just advert for a moment to a remark made by the noble Marquess, and he hoped, that the noble Marquess would consider what he was about to say, not as a breach of the truce which had been made some time ago between them. He would say, in the spirit of amity, not of defiance, that the noble Marquess was totally mistaken—indeed, he could not go further, when he said, that the noble Marquess was never more mistaken in his life, than when he said, that the existence of those Trades' Unions was attributable to his (the Lord Chancellor's) noble friend at the head of the Government not putting down the Political Unions. If that were the case, the cause must have been preceded by the effect by at least six years, for the Trades' Unions had existed five or six years before the Political Unions were thought of. The very first thing that his Majesty's Government had their attention called to in coming into office in November, 1830, was the dangers that had arisen and were arising from those Trades' Unions. He was sure it would give the noble Marquess great satisfaction to be informed, as he could inform the noble Marquess, on the best authority, that, at the period to which he referred—namely, November, 1830—the state of the Trades' Unions, looking at their extent and their activity, was infinitely worse and more dangerous than at the present moment. That fact afforded a consolatory proof that the good sense of the people was inducing them to abandon such associations. They had also found, by sad experience, the folly of adopting the proceeding which wicked advisers had suggested to them, for, in every case, where the masters had firmly discharged their duty to themselves, and to their men —for it was not only a duty to themselves, but to their men, to resist such proceedings — they had succeeded, while the wrong party, the men, had been defeated. The men had uniformly been defeated, with a great loss of time, with the total loss of their wages, and often after they had been reduced to great distress. He knew of but one case where the men had been successful, and in that instance, the master, contrary to his own principles, had given way. He begged pardon, for having occupied so much of their Lordships' time on this subject. He had received from different persons communications on it, for which he thanked them and for the kind spirit in which they were conceived towards him. In those communications, the writers had expressed a hope, that whoever might be inimical to them, he (the Lord Chancellor) would not be the enemy of Trades' Unions. Now, in answer to that appeal, he would say, that it was because he was the sincere friend of the working classes of the country, that he was an enemy to Trades' Unions; and he would add, that of all the worst things, and of all the most pernicious devices that could be imagined for the injury of the interests of the working classes, as well as the interests of the country at large, nothing was half so bad as the existence of those Trades' Unions.

The Duke of *Newcastle* was convinced, that the noble Lord, the Secretary for the Home Department, would do whatever was right, and he had perfect confidence in him. He had referred to those sham funerals, because they were violations of the due and decent observance of the Sabbath-day.

Petition laid on the Table.

Warwick Borough.] Lord *Wynford* said, that if he understood from the noble Lord opposite that he would not oppose the Motion which he (Lord Wynford) was about to make, that the Petitioners against this Bill should be heard by their counsel and agents, he would content himself with merely making the Motion, which, in cases of this kind, had been always a matter of course. If, however, the noble Lord intended to oppose it, he (Lord Wynford) must state the grounds of his Motion.

The Earl of *Durham* thought, that the House ought not to enter into the proposed inquiry, and was prepared to state the grounds of his opposition to that proceeding on the Order of the Day, or after hearing the noble and learned Lord assign his reasons on the Motion for hearing evidence, according to the noble and learned Lord's notice.

Lord *Wynford* would now state his reasons for thinking that the House ought not to proceed with the Warwick Borough Bill in the manner proposed by the noble Earl. There was no case of this kind in which the House had not heard evidence at its own Bar. Though a legislative measure, the present also partook of the nature of a judicial proceeding. He asked the noble Earl to adduce any precedent for the course he now recommended to the House. The question, whether the Bill ought to pass into a law, depended on the proof of certain facts alleged in the Report of a Committee of the other House of Parliament. That preamble to the Bill declared, that gross bribery had prevailed in the borough of Warwick, which meant, if it meant anything, that bribery had prevailed to such an extent in Warwick, as to render it unfit to be intrusted with the elective franchise. Now, what was the gross bribery in this case? According to the Report, there only existed twenty cases in which the accusation of bribery was made—twenty individuals in a constituency of 1,300 were accused of corruption. Was there a town in the empire which might not be liable to a like charge? If such cases were to be entertained, the House of Commons itself might fail to furnish unchallenged Members in sufficient numbers to constitute Committees for deciding such questions. If the Commons' Committee had sent up the strongest possible case to their Lordships, they could not properly proceed, without instituting an inquiry of their own. In every former instance this had been the practice, but the practice of the House, which was also the law of Parliament, was now sought to be changed. In the cases of Cricklade, Shoreham, Aylesbury, Penryn, East Retford, and Grampound, their Lordships had heard evidence at the Bar. If the practice were now changed, and if the noble Earl could annul the Standing Order which enforced it, he should no longer desire to attend in a House of Peers which would have forfeited all claim to respect by departing from the integrity of its judicial character. He contended that it was the duty of the House to examine witnesses at its Bar on oath, and not content itself with the Commons' Report, drawn up by they did not know whom, and founded on evidence which was not given upon oath. He was aware that the first Committee which unseated the sitting Members examined evidence on oath, but on the second investigation the witnesses were not sworn. Yet, it was upon proceedings so founded that the House was asked to take away the privileges of 1,300 Englishmen, privileges which they valued more highly than house or land. If their Lordships submitted to this, they would render themselves entirely dependent on the House of Commons. He was aware that in five out of the six cases which he had referred to, the Peers had confirmed the judgment of the Commons; but in the sixth (the case of Penryn) they reversed it. In that case his noble friend convinced the House that the Commons had proceeded on insufficient evidence, and the Bill was thrown out, to the satisfaction of the whole country. It was to their Lordships that the people looked for a calm and dispassionate determination in such cases, after examining witnesses on oath. The case of Penryn proved the necessity of examining witnesses at the Bar, and he would prove, that this was a second Penryn case. He had no doubt that if the matter were dispassionately investigated, their Lordships would throw out the Bill. How did the case stand? The Committee reported that twenty persons had been guilty of bribery. Now, subsequently Assizes had been held at Warwick, and three of these cases were brought before a Judge and Jury. In all the remaining cases the parties did not dare to proceed. It was not too much to assume, then, that they were in no condition to prove what it was supposed had been established before the Committee. In two of the three actions eight cases of bribery were assigned to each. But what happened in those cases? The prosecutors took by compromise a verdict upon one charge in each case; thus admitting, that fourteen charges were untenable. Then as to the action against Mr. Tibbetts, who, if there was any truth in the evidence taken by the Committee must have been guilty in twenty cases of bribery, what had become of Mr. Tibbett's case? It was called on, a Jury was sworn, and the counsel for the prosecution stated that he had no case to offer against the defendant: consequently there was an acquittal. Of the twenty cases charged by the Report of the Committee, only one had been proved, for the two cases in which there was a verdict given by compromise must go for nothing; yet the House was called on to assent to the proposition that this was an instance of gross bribery, which justified the passing of the Bill without hearing evidence at the Bar. It was impossible to act on the case now presented to the House. Three of the witnesses examined before the Committee acknowledged having received 9*l.* a-piece, not as bribes (so they stated), but as loans. It was impossible to act on evidence so discredited. An individual named Collins stated that acts of bribery had been committed by Tibbetts; but when the case of Tibbetts was before the Court, nobody ventured to rely on the evidence of Collins. He never would consent to act on such evidence. It had been said, that there was also gross treating. Now he knew of no borough that had been disfranchised for treating. He was no advocate for treating, however, and did not say, that if a case of gross treating were made out, it might not afford grounds for disfranchisement. But where were the acts of gross treating here? There was no evidence of treating to any extent, not to the extent that was illegal; therefore he set aside that part of the case. With respect to rioting, if any man, having a connexion with the town of Leamington, wished to carry the Warwick franchise thither, it might be a good plan to abet riots at the elections of Warwick. The same would hold with respect to any person who had an estate in the neighbourhood. It was in evidence that some of the rioters came from Leamington, where it might be not only the inclination, but the interest of the parties to encourage rioting. He could prove, that an individual who now petitioned for the extension of the Warwick franchise to Leamington had hired persons to commit riots at the former place. On some of the rioters were found tickets, importing that they belonged to the Birmingham Political Union. Did their Lordships find themselves obliged to disfranchise the borough of Warwick because strangers from other towns had been engaged in riots there? He undertook to prove these statements at the Bar, if an opportunity was afforded for doing so. Was there any case in which rioting had led to the disfranchisement of a place when the rioters did not belong to it? Even in cases where the rioters belonged to the town, was there any instance of disfranchisement solely upon the ground of riot? If not, still less could it be pretended that their Lordships were to disfranchise a place, which was the scene of riots, provoked by persons who came from a distance. He stood upon the practice and law of Parliament, and on the principles of the British Constitution, all of which required the House to hear evidence for itself before condemning this borough. If ever there was a case in which it was improper to depart from the invariable practice of Parliament, that case was the present. He hoped, therefore, that the House would not establish in this case a principle which would render the Lords dependent on the Commons. If they consented to take their facts from the other House of Parliament in this case, they might as well do so in all others. The Commons Committee, however, had not the same means of getting at the truth as their Lordships. It would be a gross injustice, and an abandonment of their privileges, it would be passing an Act upon imperfect evidence, when perfect evidence might be obtained, if their Lordships were to proceed with this Bill on the evidence offered by the Commons. Where was the fairness of condemning 1,300 voters because twenty cases of bribery had been alleged, and two or three cases of corruption (that was all) had been proved? In the case of Grampound and other boroughs the aldermen and a majority of voters had been proved to be corrupt, and, therefore, it was considered unsafe to trust those places with the elective franchise. That was not the case here. If the House were called on to incorporate Warwick with Leamington because the former did not contain more than 1,300 pure voters, where were they to stop? What was to become of half the towns returning Members in the country, if 1,300 uncorrupt voters would not satisfy the House? Here the persons proved to have been bribed were men that were fast dying away—they were old voters, not a single 10*l.* voter was to be found amongst them. He had expressed his opinion on the Reform Bill discussions, that different qualifications ought to be adopted in different places, according to their peculiar circumstances. It appeared to him, that the possession of a house rated at 10*l.* was a good qualification in Warwick, but it would not be so in Leamington, where houses let at higher rents. This was an objection to the proposed Union, independently of all other obstacles. The persons accused of bribery were only voters for life—scot-and-lot voters, whose successors would not be entitled to the elective franchise. Under such circumstances, he thought it his duty to resist the further progress of the measure until evidence should have been taken at the Bar. He moved that "the petitioners against the Warwick Borough Bill be heard on the second reading at their Lordships' Bar by themselves, their counsel, or their agents."

The Earl of *Durham* said, that it would be necessary for him to occupy but a very small portion of their Lordships' time, more especially as by far the greater part of the noble and learned Lord's speech had been addressed to facts which did not come under the cognizance of the House, from anything that appeared on the face of the present proceedings, or from the Report of the House of Commons. No doubt those facts had been furnished to the noble and learned Lord by persons who undertook to prove them; but assuming them to be capable of being established, he was at a loss to see why they had not been proved before the Committee of the other House of Parliament. If the Bill were to be discussed on the facts that came before the other House of Parliament, never was there a Bill that required less consideration, or which presented less difficulty than the present. The noble and learned Lord said, this was the first time that any noble Lord had ever proposed a Bill of this description to the House of Lords without first calling upon their Lordships to hear evidence at the Bar. He admitted the fact, but he begged the noble and learned Lord and the House to recollect, that this was the first Bill (not of disfranchisement, as the noble and learned Lord erroneously termed it, but affecting the representation of any borough now represented in Parliament,) which had been brought forward since the Reformation of the House. But if it were necessary to look for precedents, he could find some nearer at hand than those quoted by the noble and learned Lord. Within the last two years a great number of boroughs had been disfranchised without hearing evidence at the Bar. The notoriety of the case was thought sufficient. He referred the noble and learned Lord, therefore, to the precedents of the Reform Bill, and the case of the 40*s.* freeholders of Ireland. Where was the noble and learned Lord in the latter case, that the House did not hear his cries for justice? He did not wish, however, to rest it upon the point of precedent; but the question which their Lordships ought to consider was this—were they prepared to enter into a contest with the other House of Parliament? Would they, by their decision, assert that the other House had not examined carefully into all the cases which had come before them? Had the cases neither of Warwick, Liverpool, Hertford, Carrickfergus, and Stafford, been examined in the other House of Parliament? Had not the Committees appointed to examine into those cases given the accused an opportunity to be heard, and had they not afterwards produced these Bills as remedies for the malpractices of which the accused had been convicted? Would it, then, be wise in their Lordships to embark in a contest out of which they could not emerge with credit? Did they think, that if this Bill were thrown out now, it would not be returned upon their hands again in another Session? Was not the very credit and existence of the Reformed House of Commons pledged to the purification of their body from all abuses? He therefore thought that, as a matter of policy, it would be a most imprudent course in their Lordships to oppose the progress of this measure. It was not supposed that the evidence now called for was wanted for the purposes of justice. The parties accused had not brought forward a single witness to exculpate them from the charges contained in the Report. He called upon their Lordships to consider the parties with whom they were going to enter into conflict, and those with whom they were going to enter into alliance. Who were the supporters of the Bill? The House of Commons. Who were its opponents? That part of the constituency of Warwick which had been convicted of fraud, bribery, and mis-application of money to all sorts of unconstitutional purposes. Surely those were not the allies with whom their Lordships would embark in a contest against the House of Commons. One word as to the recent trials at Warwick, to which the noble and learned Lord had alluded. From whom the noble and learned Lord had received his information, he (Lord Durham) knew not; but the noble and learned Lord had said, that out of twenty actions which had been brought against electors of Warwick for bribery, verdicts had been given only upon three, thereby leading their Lordships to suppose, that all those actions had been brought by the same party. Now, there had only been four actions brought by the petitioners for the Bill. On the night preceding the trial, the parties who brought the action against Mr. Tibbetts had abandoned it on account of the consequences in which it must have involved him as a solicitor. In the other three cases the actions had been discontinued, as the object of the plaintiffs had not been the money, but the disqualification of the defendants. With the other sixteen actions to which the noble and learned Lord had referred, the parties supporting the Bill had nothing whatever to do. They were sham actions, brought by the chief agent of Sir Charles Greville against his own partisans, for the mere purpose of preventing any other party from bringing them. These were facts, and at a proper season he would, if it were necessary, prove them to be so, from the declarations which had been filed in each of these actions respectively. In giving a short account of the reasons which induced the House of Commons to pass the Bill, if he should have occasion to mention the name of a noble Earl in their Lordships' House, he begged to say, that it would be with feelings of great pain, as he had always borne that noble Earl in great respect. It appeared that in the year 1831, in consequence of the great feeling which had been excited in favour of the Reform Bill, two Members who were supporters of it had been returned to Parliament by the borough of Warwick. On that occasion, Sir Charles Greville, the brother of the

Earl of Warwick, had been defeated, after a severe contest, by a majority of eighteen. In the following year, there was another election ; but the state of the poll had, on that occasion, been reversed, and Sir Charles Greville was at the head of the poll by a majority of 108. The means of defeat being obvious to the inhabitants, they presented petitions to the House of Commons, stating, that the return of Sir Charles Greville had been effected by bribery. A Committee was balloted for, and Sir Ronald Ferguson was appointed its chairman. That Committee examined evidence upon oath ; and, after sitting five days, and examining twenty-four witnesses, Sir Charles Greville thought fit to abandon his seat. The Committee reported that he was unseated, and that he was guilty of gross bribery. The House of Commons ordered the evidence to be printed, from which it appeared, that gross bribery had been practised at Warwick, and that large sums of money had been contributed for that purpose by the Earl of Warwick. In consequence of Sir Charles Greville having abandoned his seat, the inquiry by the Committee could not be continued. The House of Commons, however, determined to revive it ; it was revived, and it sat fifteen days, and examined ninety-two witnesses. No evidence was offered before that Committee in behalf of Sir Charles Greville, the Earl of Warwick, or the petitioners, who now came forward for the first time that evening. They did, indeed, attempt something like recrimination, but that entirely failed. In that report it was proved, that bribery, treating, tyrannical notices to quit, and tyrannical applications for money, had been employed by those petitioners. In consequence of that, Sir Ronald Ferguson had been ordered to bring in the present Bill. It was brought in, and passed through the other House of Parliament without a division. The object of it was, to incorporate Leamington and Warwick as one borough : and so far was it from disfranchising Warwick, that it even added to its constituency. Not one single voter created under the Reform Act would be prevented from exercising his franchise. As to the examination of witnesses at the bar of the House of Lords, he did not think it necessary for the purposes of justice, that their Lordships should institute any investigation. The parties accused had enjoyed ample opportunities for stating their case before the other House of Parliament; and he had heard no reason from the noble and learned Lord, why the circumstances which he had stated as facts had not been stated previously. He would suggest, therefore, to the noble and learned Lord, whether it would not be a more manly course to throw out the Bill at the present stage than to defeat it, as was now aimed at, by procrastination. He knew that it was in the power of the noble Lords on the other side of the House so to defeat it. " We know (said Lord Durham) that on any question dear to the people of England, the noble Lords have the power, if they so please, to throw out any measure. I beseech your Lordships, however, be merciful, as we know you are strong. Do not, my Lords, lightly embark in a contest with the House of Commons ; for it is impossible, that the Reformed House of Commons can retreat from any measure which it deems essential to the purification of its own body. Its honour, its character, and its reputation are at stake. It has pledged itself to inquire into and remove all abuses in its own constitution. There has been no denial of justice, nor anything like a denial of justice, in the other House of Parliament; and yet, on this measure of purification, your Lordships are called upon to meet that House with a distinct and positive denial. The noble and learned Lord has told you that this House must not allow itself to sink in public estimation. Now, if I were an enemy to your Lordships' house, I should say, that the downward road for your Lordships was the course now proposed by the noble and learned Lord—namely, that of placing yourselves in opposition to this Bill." If the opinion of the House were against him (the noble Lord concluded) he would not press his Motion ; but he must certainly move, that this Bill be now read a second time. If he did not succeed in carrying it, he would certainly do his best to make the inquiry at their Lordships' bar effectual.

The Earl of *Winchilsea* would never consent to pass any act that affected the privileges of any body of Englishmen without hearing evidence to justify it at their Lordships' bar. There was an essential difference in the evidence taken by the two Houses of Parliament. Evidence taken before their Lordships was on Oath ; that taken before the other House of Parliament was not; but whether the evidence were taken upon oath or not, he would not pass any act, merely because it came to them with the recommendation of the other House of Parliament. The noble Earl who had just addressed them, had told their Lordships of the dangers which would arise from a collision with the other House of Parliament. He begged leave, in reply, to tell the noble Earl, that their Lordships had a public duty to perform, which they were prepared to perform at every hazard. Their Lordships, in acceding to the Motion of his noble and learned friend, did not say, that they would not entertain this measure; all that they said was, that they would have evidence given at their own bar to justify it. He implored their Lordships to consider how much their character would suffer with the country, if they did not examine evidence as to the commission of the offence before they proceeded to punish individuals for having been guilty of it.

The Marquess of *Clanricarde* supported the second Reading of the Bill. As the House had already adopted the Reform Bill, it ought to act upon its spirit; and if the House did so, it must adopt this measure, which was intended to obtain a pure constituency.

The Marquess of *Salisbury* begged leave to inform the noble Earl, that he disapproved entirely of the precedents which the noble Earl had quoted in support of this Bill. He had opposed the Reform Bill, and he had opposed the disfranchisement of the 40*s*. freeholders, because he considered both of them to be acts of injustice. He considered it too bad to bring precedents of this kind to justify a local act, in which no public interests whatever were involved. It would not, in his opinion, be right to inflict penalties on individuals without first ascertaining that they had deserved them.

The question was put, and Lord Wynford's Amendment was carried, and Counsel were ordered to attend their Lordships on a future day.

HOUSE OF COMMONS,

Monday, April 28, 1834.

MINUTES.] New Writs ordered. For Wells, in the Room of NORMAN LAMONT, Esq., deceased, and for Dungarvon, in the Room of EBENEZER JACOB, Esq.—Election void.
Petitions presented. By Mr. WALTER, from Sunning Hill, and other Places, for the Repeal of the Assessed Taxes; from the Baptists of Corton, for Relief to the Dissenters; and from several Places, for the Better Observance of the Sabbath.—By Lord COLE and Mr. EMERSON TENNENT, from Six Places,—against the Repeal of the Union.—By Mr. FEARGUS O'CONNOR, from two Places, for the Repeal of the Union.

THE DORCHESTER LABOURERS.] Mr. *Hume* said, that he had several Petitions to present relative to the sentence recently passed upon the Dorchester prisoners. They had been in his possession above a month, and, as he was anxious that the House should know the real feeling of the working classes relative to the conduct pursued by the Government in respect to these prisoners, he should read the words of the petitioners to the House. The first petition was from Newcastle-upon-Tyne. It stated, that the working classes were entitled to an equal degree of protection to the privileged orders, and that they were particularly entitled to mercy as they were ignorant of the law. He must say, that he thought that this part of the petition was entitled to the marked attention of the House. The petitioners went on to say, that the sentence passed upon the Dorchester prisoners was cruel and unjust, and ought to be remitted. The next petition which he had to present was from Dundee. Although it only remained for a few hours in Dundee after it was got up it was signed by many thousand persons. These petitioners said, that the sentence upon the poor fellows at Dorchester was a direct blow at the working classes, and that the conduct of the Jury in bringing in a verdict of guilty was a stain upon justice. He (Mr. Hume) deprecated this language, and he merely read it to show the state of excitement in which the working classes were in consequence of the circumstance in question. He need hardly repeat what he had often declared, however, that the working classes would always have a greater chance of having their complaints attended to by that House if they used temperate, but at the same time firm, language. The next petition was from the town of Belfast; these petitioners, after deprecating the severity of the punishment inflicted upon the Dorchester prisoners, called upon the House to institute a Committee to inquire into the objects of the Trades' Unions. He had a fourth petition from a place in Scotland the prayer of which, was similar to that from Dundee. He held, that the proceedings taken against the Dorchester labourers went upon a mistaken ground. The act upon which they were found guilty ought not to have been applied to their case, for that was passed against secret oaths taken in societies whose object was to disturb the public peace by acts of sedition. It was one of the gagging acts passed to put down discussion in the height of Mr. Pitt's power. If the House would refer to the debate which took place on this Act they would be convinced that it was meant merely to apply to political societies. He contended that the Judge was wrong in sentencing the Dorchester labourers under this Act. Punishment ought in all cases to be such as to lead to a persuasion in the minds of all men that it had been properly inflicted. When that was not the case, the effect was, to excite commiseration for the punished person. What he especially complained of was, that the law, which was not intended to apply to any but seditious societies, had been strained for the purpose of putting down an association for raising wages. It was true that, before the year 1824, when the Combination-laws were in force, any three men who met together for the purpose of considering how they could raise their wages, even by the mildest and most peaceful and lawful means, were liable to punishment. But in that year all the Combination-laws which had been enacted from the time of Edward 3rd, were swept away; and the principle was recognized, that the labouring man had as much right to protect his property, which consisted in his own labour, and to carry it to whatever market he preferred as any other man had a right to protect and dispose of any other kind of property in the most advantageous manner. The Act of 1824 not only repealed these laws; it expressly gave permission to the working men to meet together, and to form associations, either to effect an increase or to prevent a decrease of wages, or to diminish the hours of labour, or to say that they would not work at all. The question, therefore, was, whether the intention of the men at Dorchester was not to carry one of those four objects into effect? Was it not evident that their object was, to procure an increase of wages? That was not illegal, in fact it had the direct sanction of the law. The conviction, therefore, was against the law. He considered the conduct of the Judge to have been erroneous. He did not like to say anything discourteous of Mr. Baron Williams, who was a private friend of his own, yet he thought that learned Judge had erred in his view of the law. That was not merely his own opinion, formed on the ground which he had stated; it was also the opinion of many legal men; and when doctors differed, surely even a humble man like him might be allowed to doubt. He thought, that the House ought to inquire into the rules and objects of the Trades' Unions, and how far the Act of 1824 gave them a right to associate. He believed that it did give them the right, and that even the oath was not illegal. He concurred, at any rate, with all the petitioners that the sentence was harsh and severe, and he condemned the Government for hurrying off the men with such unprecedented haste to prevent the general expression of public sympathy from having any effect in their favour. It had given rise to a very general, and he thought a very just, opinion, that the men were punished for one thing, which was not illegal, under the name of another, of which the illegality was very doubtful; and that they were sacrificed for the purpose of intimidating the Unions. Such a course was much to be condemned; because it was obvious that the punishment must fail in producing the effect desired.

Mr. *Warburton* begged to say, in contradiction of what was said by the first Lord of the Admiralty on a former day, that he was informed by the Solicitor for the six labourers, that the learned Judge did state his doubts, in open Court, of the Act of Parliament being intended to apply to this case. At any rate, the country at large was not aware of the applicability of the Act, which was a sufficient reason for mitigating the severe punishment these men had received.

Colonel *Evans* said, he was inclined to think that in strictness the sentence was legal; but there could be no doubt of its being more severe than the offence warranted. He regretted that the Trades' Unions had been misled in several parts of their conduct, of which he thought their marching through the streets some days back, under the idea, that it would help those unfortunate Dorchester labourers, was one of those parts. At the same time he was bound to bear testimony to their proper conduct on that occasion, which was distinguished by much more prudence than some others had been. In regretting, however, the manner in which the unionists were misled, and the mistaken views they took of their interests, it should never be forgotten, that they were driven into taking some measure for their own protection by the absolute insufficiency of food for their members. The labouring classes competed one with another for the work through which the limited supply of food allowed to the country by the Corn-laws must be obtained. It was this competition that reduced their wages, and the unionists wished to prevent that reduction by not competing against each other; in other words, by not working at low prices. He thought, that the true remedy for this distress was, to increase the quantity of food, and demand for their labour. If, therefore, they would apply their efforts to the abolition of the Corn-laws, they would do more to advance the commercial prosperity of the country and their own happiness and comfort, than any other course they could take. There were other Members representing large constituencies, and supposed to be popular Members, who entertained these opinions as well as himself; but instead of openly expressing them, and endeavouring to get the labouring classes out of the mistake into which they had fallen, they joined the inferior agitators (for they had agitators of all classes), who had misled them. The opinions he now expressed he had stated before many of the Unionists, and he regretted, that the popular Members to whom he alluded had, instead of adopting the same course, concealed their sentiments, and to get the temporary applause of a public meeting, fell in with what they found the humour of the moment, instead of stating what would really enable workmen to obtain an easy and comfortable living for themselves and families, as well as advance the prosperity of the whole country. He concluded by hoping, that Government would, after the lapse of a short time (perhaps it was out of their power immediately to do so), remit the punishment of the Dorchester labourers, so disproportionate to their offence.

Sir *S. Whalley* said, the House of Commons had never yet turned a deaf ear to the voice of humanity; and he hoped they would not in the present instance. He trusted, therefore, that they would interpose to prevent the execution of a sentence so disproportionately heavy for an offence so light, if offence it were at all, especially when it was taken into consideration, that it was the consequence of the infringement of a law so obsolete that even the Judge himself scarcely recollected its existence. It would, he thought be also good policy of the House to interfere in the instance of these unfortunate men, at the same time holding out to the country the certainty of the law being carried into execution in case of any other transgressions of a similar nature. As to the Trades' Unions, he thought, while there was a great deal to admire there was also much to condemn in them. When they travelled out of their direct course, and attempted to cause an unnatural rise in the rate of wages—a state of things which would ultimately recoil upon themselves with the most fearful consequences—their conduct, to say the least of it, was very reprehensible. However, he was happy to perceive by their last manifesto, that they were again returning to a sense of their duty; and it was not too much to hope, that the really useful purposes of their institutions would be now solely attended to by them. With respect to the sentence passed on the unfortunate men, the subjects of the petition, and carried into execution with such extraordinary and indecent haste, he should only say, that it was most harsh and cruel. And it appeared beyond any doubt that these poor men were not punished for simply doing that which many hon. Members of that House had done, but for something far different—for being Trades' Unionists. Under all the circumstances of the case, he trusted that his Majesty's Government would not interpose to prevent the extension of the Royal mercy to these unfortunate men, whose crime, after all, was only that of binding themselves together by an oath to do the best they could for themselves.

Mr. *Edward Lytton Bulwer* agreed in a great measure with what had fallen from the hon. and gallant member for Westminster, respecting Trades' Unions; and he had always endeavoured to impress opinions of a similar nature on such Members of them as he happened to come in contact with. However, he thought the punishment of the Dorchester labourers very much severer than the crime they had committed; and it looked to him as if the Government had some ulterior object in view in persevering so harshly in the course they had adopted towards them. If, however, as he believed, that object was the suppression of Trades' Unions, he would only point to the countless thousands who swept the streets of the metropolis in such orderly and formidable procession last Monday to prove how far they were from its attainment. He could not, therefore, avoid deprecating that course of conduct. Measures of such harshness, even when the subject was deserving of punishment, were always most dangerous in a free country; for they formed the grounds for an appeal to popular feeling and popular sympathy, the results of which were unregulated and very often dangerous.

Sir *George Strickland* said, that the hon. members for Dublin and Middlesex disagreed about the legality of the sentence, the former asserting that it was legal, and the latter the contrary. He was inclined to adopt the opinion of the hon. member for Dublin; but he could not, at the same time that he did so, help expressing his doubts as to the propriety of carrying so severe a sentence into effect. The course adopted by his Majesty's Government in reference to these men, putting humanity out of the question, was, perhaps, not prudent, and the case was one which called for a fair investigation, and an extension of the royal mercy.

Mr. *Godson* thought, that either the Law Officers of the Crown, or the noble Lord the Under-Secretary to the Home Office, ought to be in their places, to attend to this discussion. With respect to subjects referred to in these petitions, he believed that no Gentleman had yet pointed out the fact that, in the case of the King v. Marks, the Court of King's Bench had decided that, illegal oaths taken with respect to trade, were liable to be punished under the Act in question. [Mr. *Feargus O'Connor*: No!] If his hon. friend would send for a volume of East's Reports, he would find the case just as he represented it. That being the law, the Judge was obliged to give his opinion of it as it had been laid down by the full Court. With respect to the sentence passed upon these men, were they to be told, that the Judge must look to the political consequences of his sentence? He hoped that no Judge would ever be obliged to do that. As to the remission of the sentence, petitions with that object in view ought to have been presented to his Majesty, and not to that House. If the Trades' Unions confined themselves to the four points adverted to by the hon. member for Middlesex, there could be no real objection to them; but if these men were allowed to go on as at present, sending delegates from this and that body to this and that town, the whole frame of society would be destroyed, and, in a very few years, a republic must be the consequence. He contended, that upon the legal question the Judge was quite right in passing sentence, without taking into his consideration the political consequences of the law. He had no objection to an Address being presented to the Throne, praying that the sentence passed upon these men should be remitted.

Mr. *Feargus O'Connor* begged to observe, in reply to the hon. member for Yorkshire, that although the hon. and learned member for Dublin had at first considered the conviction of the Dorchester prisoners legal, he had, after mature consideration, altered his opinion, and he now declared the sentence to be illegal. With respect to the King v. Marks, there was one ingredient in that case which was not in this, namely, that the meeting was seditious. It was generally believed, that the Act under which these men had been convicted, had died a natural death; and the consequence was, that the 52nd George 3rd was passed, and there was no evidence adduced in the case of the Dorchester prisoners to bring them within the meaning of the latter Act. But he would follow the example of the hon. member for Yorkshire, and put the law of the case altogether aside. All the objects of the Government would be obtained by the conviction, and the decision of the Judge that the two Acts of Parliament did apply to such associations; and that being obtained, the case was one in which the mercy of the Crown was especially called for. The Chancellor of the Exchequer had the other day, in the case of *The Pilot* Newspaper, pointed out the way in which a harsh law might be evaded; but surely if a harsh law could be evaded upon the recommendation of such an authority, it was not too much to ask for the mitigation of an excessive punishment for the unintentional violation of a harsh law. The only argument the noble Lord, the Under Secretary for the Home Department had used on a former occasion, was, that one of the six men was of bad character, and that two others of them, being Methodist preachers, must have been acquainted with the law. Now, he thought the latter part of the argument assumed a great deal too much, and surely, if one of the men was of bad character, the noble Lord would not say that the other five, who were of unblemished character, should suffer on his account. He trusted, that the Government would listen to the calm arguments which had been alleged by so many Gentlemen in that House, of different political opinions, and would yield to the almost universal prayer of the people to remit the sentence. The gallant member for Westminster had referred to the great and the little agitators—who addressed violent language to the meeting at which that gallant Colonel presided some few evenings since. He did not know in what class of agitators the gallant Colonel would include him — but he had addressed that meeting, and he denied that he used violent language; on the contrary, he told the people, that they would only be powerful so long as they were peaceable, and entrenched themselves within the law. But the gallant Colonel had forgotten to state, that he had offered to enrol himself as a member of the Trades' Unions. If the gallant Colonel did join the Union, he, as a member, would be very glad to see what digest of laws the gallant Colonel would draw up for their regulation. The gallant Colonel complained that the speeches at the Crown and Anchor were political; but the gallant Colonel's own speech on that occasion was political, and, amongst other things, he exhorted the Unions to direct all their energies to obtaining the repeal of the Corn-laws.

Mr. *Finn* deprecated discussions in that House upon points of law. He disapproved of the associations, and thought that the agricultural labourers especially were misled when they united to persecute their employers, whom they must know to be unable to give them higher wages. But he thought, that now when the Government had shown its firmness in refusing to yield to the intimidation of the unionists and their procession, the Royal prerogative might be properly exercised in mitigating the sentence; and if there were any doubts, as there seemed to be, the prisoners ought to have the benefit of them.

Mr. *Hardy* said, the Trades' Unions had other objects in view than those for which they declared themselves to be united. Such combinations he considered most dangerous to the community. He did not say there was any objection, as the law stood at present, for any number of men to unite to obtain an increase of wages, or to protect themselves against oppression; but experience had proved that such was not their object, but that it was not only to intimidate the masters and the Government, but also to compel other workmen who were industriously and peaceably disposed to adopt the same course of conduct and become subservient to their views. They compelled them to pay large contributions, by which only their committee-men and delegates were benefited, and whose illegal and mischievous objects those combinations were calculated to promote. If the oaths were only to enable the unionists to know one another by a snap of the finger, or any other sign, as the hon. member for Marylebone supposed, they would be harmless. On the estate in which he held a share, being the largest portion of his property, there was to be held that day a meeting of the Unions of the West Riding of York; and if hon. Members would only read the advertisement calling that meeting, or rather the postscript to it, they would see that those associations had other objects than merely to raise wages. He saw from the Leeds papers received that morning, that a master had received notice that if he did not dismiss certain workmen who did not belong to the Union, he would have a strike in his factory. This was not to be borne. The terror and alarm created by this system were not confined to persons in trade, for the gentleman who had sent him the placard about the meeting to be held in the West Riding of York that day, had intreated him not to let it be known by whom it was sent, for he should become the object, if not the victim, of vengeance. He was not, therefore, prepared to call upon the Government to mitigate the punishment of these Dorchester labourers.

Mr. *Aglionby* doubted whether the Act

of Parliament applied to the case of these men. The question, however, was a legal one, and it ought not to be decided by that House; it should be left to the opinion of the twelve Judges. All that now could be done was, to address the fountain of mercy for the mitigation of the sentence, and he earnestly hoped it would be attended with success.

Mr. *Lloyd* observed, that as the law upon the case was very doubtful, that circumstance ought greatly to palliate the offence of which the men were convicted. It should be presumed, that while eminent authorities differed on it, labourers must have been ignorant of such a law existing. He did not impute anything to the learned Judge who tried those men, for he had been convinced that such was the law, and he was bound to pass the full sentence upon those who were convicted. He must, however, say, that he blamed his Majesty's Government for not showing some leniency towards those men. He was as much as any man opposed to Trades' Unions, still he would not stretch the law to put them down. Voluntary associations were perfectly justifiable; the employment by the Unions of coercion was the only principle that, to his mind, attached a criminal nature to their proceedings.

Mr. *George F. Young* considered it advisable that the Trades' Unions should be made acquainted with the opinions of their friends in that House, on the nature and consequences of their proceedings. He should let no opportunity pass of deprecating the tyranny exercised by these bodies over their fellow men, which was intolerable in any civilized community.

Mr. *O'Connell* agreed in what had been observed respecting the intolerableness of any tyranny used by the Unions towards fellow-workmen. The state of society in these kingdoms was quite unnatural. There was a surplus of labour in the market; and this being constantly kept up, enabled the manufacturer to employ labourers from Ireland, &c., at a minimum of wages, and to put the difference in their pockets as profits. It was a state of society from which evil results of a fearful nature might reasonably be expected to flow; but he had no such fears from Trades' Unions as hon. Members contemplated. If Trades' Unions kept within bounds of law, they certainly would possess a degree of moral force which might make them a source of uneasiness to evil doers; but if once they passed beyond these bounds, their connexion was but as a rope of sand, and their power but as a shadow, which would instantly pass away. It was absurd for any Government to fear, or affect to fear them. With respect to the case of the convicted Unionists, he begged to state his opinion. He believed, from the newspaper reports, as well as from the reports he had heard, that, if the indictments were properly framed, and sustained by proper evidence, the sentence was according to law. Whether these requisites had existed or not, he was at a loss to know; but the Government refused him in England, what was always granted in Ireland, a copy of the indictment; he, therefore, suspected the weakness of the case, and that it was not supported by facts. He did so more particularly, in consequence of a letter he had received from a gentleman at the bar, who was present at the trial. He read the following letter, having the permission of the writer to do so:—

21, *Essex-street, London, April* 21, 1834.

Sir,—Having been informed that you have given notice of a Motion in the House of Commons on the subject of the sentence passed on the Dorchester agricultural labourers, I take the liberty of mentioning to you some circumstances connected with their case. I was present during the whole trial except the summing up of the Judge.

The case was entirely supported by the evidence of accomplices. This evidence was given in a very loose and indistinct manner, and varied very materially from the depositions of the same witnesses taken before the committing Magistrates. On the principal point, the taking of an oath, these witnesses stated that they could not recollect what was said. The Counsel for the prosecution in vain endeavoured to elicit such answers as would have supported the indictment; and such answers as were at last drawn from them, with great difficulty, were suggested to them in the form of leading questions, by the Judge reading from the depositions. After all this, they did not say that an oath, or anything like an oath, was taken; but that there was a book on the table, which looked something like a Bible or Testament; that something was read which sounded like the Scriptures; that something was said about wages, and keeping secrets; and that they were blindfolded, and told to kiss the book.

A paper was admitted in evidence, and read, which purported to appertain to a friendly agricultural society. This paper had been found in the work-box of the wife of one of the prisoners, which box opened by a key found in the prisoner's pocket. This paper contained a series of rules and regulations, but no oath, nor anything that I am aware of of an illegal character. But it was not proved, that this paper was ever read at the meeting, or ever produced at the meeting. The witnesses expressly swore, that they did not know the meaning of what was read. And for anything that appeared, this paper might have contained the rules of another society. One of the rules of this paper (I think the last), which becomes important when viewed in conjunction with the defence of the prisoners, was, that this society 'will not countenance any violation of the laws.'

Nothing can be more false than the statements which have appeared in the Government newspapers of the condition in life, and education of the prisoners, to the effect, that they were religious teachers or preachers. They were all of the poorest set of agricultural labourers. Their appearance and demeanour at the trial entirely supported their defence, which was, that they did not know that they were doing anything against the laws, that they united to support themselves and their wives and families, and to maintain them when out of work. I think all, but certainly most of them, received good characters as hard-working industrious men. If anything of importance occur to me before you make the Motion in the House of Commons, either respecting any additional facts, or any incorrectness in those which I have mentioned, I will trouble you with another communication. I will now only add my deliberate opinion; one in which I have reason to believe a vast majority of persons of all ranks and classes will, upon a knowledge of the facts, agree, that, supposing the conviction to be legal, the extreme punishment awarded in this case, was a most indiscreet and cruel application of the law.

(The letter was signed B. EWETT.)

Why, however, he would ask, resort to this Statute, on which it was admitted there existed some doubts? There was enough of punishment for such an offence as a misdemeanour. He had been requested by the Unions to become their Counsel, to which he had consented; but he was to give no opinion, except through the medium of a written communication made by a regular Solicitor. It should, however, be well borne in mind, that any attempt of the Unions to intimidate any workman by force, or injury to his person and property, from freely disposing of his labour, was not only a gross and tyrannical violation of that liberty which they claimed for themselves, but an act perfectly illegal, and which the law would justly and properly punish. The law was strong enough to prevent such conduct, and he should not complain of its execution; but he hoped it would mix mercy with justice. In this case there was abundant room for mercy, and he hoped it would be extended to these men by the King's Government.

Colonel *Evans* regretted, that these opinions, which were so decided, had not been expressed at the Crown and Anchor meeting. But it seemed that the sound doctrines were kept for that House, while what would administer to popular feeling was uttered elsewhere. He again regretted that the Unions should attempt the adoption of any measures of intimidation.

Sir *Henry Hardinge* begged to give his meed of praise to the gallant Colonel (Colonel Evans) for his manly and straightforward declaration of his opinions both in that House and at the public meeting at which he lately appeared. He (Sir Henry Hardinge) held in his hand a paper which showed what were the dispositions of the Trades' Unions. It was a copy of a notice which had been served upon most of the master tailors in London, on Saturday last, to the effect, that "none of the brothers shall be allowed to work for less than 6*s*. per day, or for more than ten hours per day, from the third week in April to the last week in August." For his part, he considered that notice clearly unlawful; and he had told his tailor that morning, that he would go out to dine in his shirt, rather than allow any master to submit to such coercion to provide him with a coat. He also condemned the Trades' Processions.

Mr. *Hill* had no doubt of the legality of the conviction and sentence; but he thought, that there could be little doubt also, that the men committed the offence in ignorance of the law. Theirs was a case which called for the exercise of the Royal prerogative of mercy. He thought it one of the greatest defects in the criminal judicature of this country, that although, in all civil actions, a man had the power of appeal against any supposed error in a decision to his prejudice, even where the matter in dispute was of no more than 5*l*. value, yet, where his character, his liberty, or his life was involved, in a criminal case he had no appeal. The law under which these men had been punished, had been directed against Unions, though it was originally intended to suppress mutiny. He did not object to the application of it to the suppression of

Unions. The Trades' Unions, as long as they abstained from intimidation or interference with the labour of others, he did not consider to be illegal associations; but the moment they attempted to intimidate and to dictate, he had no hesitation in saying, that the law ought to be enforced against them. The slightest act of intimidation exercised against individuals, or bodies of trades, rendered the Unions illegal, and the law should take immediate notice of it. The taking of foolish oaths had, he was happy to hear, been given up. These drew the public attention to a wrong point, and caused it justly to be supposed that Unions, where secret oaths were administered, must be illegal. Certainly, it might well be presumed, that these convicted men were ignorant of the existence of such a law as that under which they had been indicted. He must say, and as a lawyer he was ashamed to say it, that he was ignorant of this Statute, at least, of its application to unlawful oaths of the nature alluded to in this indictment, until it had been called into activity. Indeed, if secret oaths were illegal, and punishable by this Statute, he was himself indictable, as he belonged to the Society of Odd Fellows, and had taken a secret oath in that Society, over which presided at the time, an eminent lawyer, now high in the administration of the law, and who actually administered the oath to him. The case of the Dorchester men was, in his opinion, one to which the mercy of the Crown should be extended, the punishment being above measure disproportioned to the offence, the more especially, as the existence of the law had been unknown. The verdict would have accomplished all which justice and the present state of society could require.

Petition to lie on the Table.

Repeal of the Union—Adjourned Debate.] Mr. *Callaghan* was sensible that it was great presumption in so humble an individual as himself to address the House on this subject, after the very able and eloquent address of the right hon. Baronet. He was perfectly conscious of his own inferiority, yet, at the same time, he had a duty to discharge to those people who sent him there, and he had to entreat the indulgence of the House, while he trespassed on their patience as short a time as he possibly could. He had imagined the Resolution of the hon. and learned member for Dublin was so worded, as that it precluded the possibility of any thing like personality being introduced into the debate; and, he thought the opposition which the hon. Gentleman had met with, had been founded more on the principles which he advocated, and the doctrines which now prevailed in Ireland, than upon the merits or demerits of the question brought before the House for discussion. He had hoped that the right hon. Secretary for the Treasury, who had, on many occasions, in that House, given evidence of good feelings and good temper, would have avoided anything like personality in the present instance, and would have adopted a similar course of observation to that which the right hon. Gentleman followed at a period which he was about to refer to. It happened that in the year 1825, Mr. O'Connell had given a very strong opinion against the disfranchisement of the 40*s.* freeholders of Ireland, for which he was severely censured by the then member for Aberdeen (Mr. Hume). In reply to this attack on the hon. and learned member for Dublin, the right hon. Secretary for the Treasury, (Mr. Spring Rice) observed :—'That the 'hon. Gentleman had said, that the lead- 'ers of the Catholics in Ireland—that the 'men whom the Catholics had respected, 'whose talents they admired, and in whose 'virtue, and probity, and public spirit, the 'country had confided—that these men 'had betrayed their trust, and had com- 'promised the interests of their country- 'men. He would say, that the statement 'was not correct, and that the Catholics 'of Ireland would not believe it, though 'it came from the hon. member for Aber- 'deen. The conduct of Mr. O'Connell 'and his friends, he was sure, was such as 'would, at least, place them above suspi- 'cion on the part of their friends in this 'House, or in the country. He could not 'conceive any event more fatal than these 'base misrepresentations, by which the 'Catholics would be made to despair of 'friends within the walls of Parliament; 'but, becoming dupes to wicked and 'incendiary writers, propagating these 'insinuations, might learn to distrust 'those leaders, in whom they had hither- 'to confided. These wicked calumni- 'ators had done more to estrange Par- 'liament from the Catholic cause, than 'could have been possibly conceived 'at the beginning of the Session.'* He, therefore, thought that, if only in regard to consistency, and putting other considerations out of the question, the right hon. Secretary might have abstained from throwing so much abuse or sarcasm on the principal agitator of the Repeal of the Union with Ireland. He could easily conceive the motives which induced the right hon. Secretary to dwell on the merits or demerits of any one individual, and to endeavour to mix up with the hon. Member he abused, every individual in favour of Repeal, no matter what might be his rank, character, or station, who took a similar view of the question to that hon. Member. He himself had never been an agitator of the question of the Repeal of the Union. He had undertaken to defend it here to the best of his abilities, because it was the opinion of those who sent him here that this was the most proper time when this question should be brought under the consideration of Parliament. For it was a question of recent origin, and it had been agitated now, from a very prevailing sense that the Imperial Parliament had not done justice to Ireland, and that it was inattentive to the wants and wishes of her people. At the time of the Union, Ireland was certainly in a most prosperous state. He did not say, that its prosperity was greater then than it was at the present period; for he could not shut his eyes to the very considerable improvement which had taken place throughout Ireland since the Union, and which, however, was, in his judgment, not at all owing to that measure. Her population alone had increased from 4,000,000 to 8,000,000, and by the increase of population there had been a great increase in the consumption of goods imported into Ireland; but he was satisfied, if Ireland had had the fostering protection of a domestic legislature, it would have derived much greater benefits from that than had been conferred on it by the Imperial Parliament since the Union. The passing of that measure did not give the Irish permission to import one single article into England, beyond what they had previously imported. It promised them the introduction of the skill and industry of England, and that they were, English, Irish, and all, to be united in bonds of mutual affection and amity. He was not aware of any one instance in which the skill and industry of Englishmen, or of any foreigner whatever, had been introduced into Ireland since the Union. By the sixth article of the Union, great advantages were held out to them as to the importation of Irish produce into this country; but even up to the present hour, the Irish were labouring under very great difficulties as to the exportation of many articles of their manufacture, which five-and-thirty years ago they were promised to be relieved from. At the time of the Union, the Parliament of Ireland enjoyed the right of protecting her own industry, and the repealers thought, that the people of Ireland had a right to a Parliament for the purpose of regulating and protecting their internal affairs. They ought not to interfere in the concerns of England; they did not wish for a separation between the two countries, but they had not the means of making their wants and wishes known to the Imperial Parliament; and it was because they felt strongly on that point, that the hon. and learned Member had offered the resolution to the House. They found that their merchants and manufacturers were ruined; that the great superiority of England was such, that they could not raise the sale of their manufactures, unless they had some protecting duty; that every day the means of producing wealth had been taken from them—so that, in point of fact, Ireland was now a desolate waste. In that respect he spoke only of those large towns in Ireland with which he was acquainted. The right hon. Secretary for the Treasury alluded to the sums of money expended in the erection of gaols or prisons in Ireland; but the gaols were not benefits, and there had not been one built to which the counties had not contributed, but the loans of the Government seemed advanced to give the Government the power of controlling the work. In the county of Cork, the prisons, by this management, had cost 180,000*l.*, whereas the probability was, that 10,000*l.* or 15,000*l.* would have been quite sufficient for that purpose under a better system of government. Again, he could say, that there had not been a penny advanced for fever hospitals, except in Dublin, which had not been repaid. The right hon. Secretary was very severe in his animadversions on Mr. O'Connell, when he asked what this country had done for Ireland; but the right hon. Gentleman should have recollected, that in 1825, he asked the very same question himself. He found, that in a debate in that House, on the state of Ireland, the right hon. Gentleman said—'If there was one subject more than 'another that occupied the attention of 'the House, and the people out of doors, 'it was the condition of Ireland, and the 'steps which it was probable Parliament 'would take to ameliorate that condition. 'It was a consideration which came re'commended from the Throne, and the 'expediency of which was established by 'every inquiry that had been instituted. 'He would now, however, ask after all that 'anxiety that had been evinced so gener'ally, what had been done for Ireland by 'the Legislature. The statute-book might 'be searched in vain for a single remedial 'measure for the evils, the existence of 'which in that country was on all hands 'acknowledged.'* He had the curiosity to see how far the right hon. Gentleman was correct in his assertion, and he found that in 1825, there was no act passed which had the effect of remedying any of the grievances of Ireland. In 1826 there was none; in 1827 there was none; in 1828 there was none. In 1829 the great measure of Catholic emancipation was agreed to, for which he (Mr. Callaghan), as well as every other Roman Catholic, felt most grateful. He was not disposed to undervalue the several benefits which this country had conferred upon Ireland; but he wished to point out in what respect the right hon. Secretary and the hon. and learned member for Dublin disagreed, as to the remedial measures which had been passed. In 1830 there was nothing done. In 1831, there was a promise to do something: an inquiry took place into the state of Ireland, by means of a committee, which sat throughout the greater part of the Session — but no legislation was effected. The present Government then came into office, and re-appointed the Committee—but it was never called together, nor was any report ever made. In 1832, the Irish Reform Bill was passed, and he could assure the House that there was no man less disposed to think lightly of the beneficial effects of that measure than he was. It gave them the opportunity of sending those individuals to Parliament who were the best able and most competent to state the wishes of the country; but if they were to be met by derision, and their motives were to be suspected, he was sure they could have no great anxiety to continue in their present position. He could not but feel indignant at the right hon. Secretary taunting them with not acting as honest men, and calling on them to vote, not as if they were working for a seat in Parliament, but as if they had only one common country. He had the honour of having a seat in that House long before the agitation of the Repeal question, and his only grounds for supporting it now were, the Imperial Parliament not having done justice to Ireland since the passing of the Act of Union, and of having done injustice to Ireland in passing the Act of Union. These were the grounds on which his constituents had felt themselves bound to call on him to pledge himself to the measure; and he pledged himself, that so long as he could, by every constitutional means, in that House and elsewhere, try to obtain the Repeal of the legislative Act of Union, so long should he consider it his duty as an Irishman to do so. It had been said by the right hon. Baronet, that no man ought to vote for this measure, because it would reduce England to the situation of a third rate power, but the Irish Parliament were told by the present Prime Minister of this country, that it would be a sacred duty to, at all times, try to recover back their lost rights which had been improperly taken from them. When the people knew, that such men as Earl Grey were the warmest opponents of the Union, and could refer to speeches delivered at that period by men of the first rank and talent in this country, they could not but feel satisfied that irreparable injury was done to them by the passing the Act of Union, and that it was their duty as good citizens, and as good Irishmen, to endeavour to repeal it. A very large proportion of the wealth of the country was taken from Ireland by those who might be called foreign proprietors, who lived out of the kingdom spending a vast proportion of its wealth, without any of it ever finding its way back again. The disturbances in the agricultural districts of Ireland, were principally owing to the smaller tenantry having to pay a sort of tribute to those individuals who actually resided out of the country; and in addition to that great evil they found, that commerce had decreased on account of the want of capital. Ireland received no more benefit from this part of her produce, than if it were sunk in the bottomless sea. He was very much impressed with the applicability of certain observations of Montesquieu to the present state and condition of Ireland. Montesquieu said—'If we could find a state so 'unhappy as to be deprived of the effects 'of other countries, and, at the same time, 'of almost all its own, the cultivators of 'the lands would be only planters to 'foreigners. This state, wanting all, 'could gain nothing. Wherefore, it would 'be much better for the inhabitants not 'to have the least commerce with any 'nation on the earth; for commerce in 'those countries must necessarily lead 'them to poverty. A country that constantly exports fewer manufactures or 'commodities than it receives, will soon 'find the balance sinking. It will receive 'less and less, till, falling into extreme 'poverty, it will receive nothing at all. In 'trading countries, the specie which suddenly vanishes, quickly returns, because 'those nations that have received it, are 'its debtors; but it never returns into 'those states of which we have just been 'speaking, because those who received it 'owe them nothing.' Such was the state of Ireland at the present moment; and as far as the amount remitted to this country operated, she was reduced to that condition. It was to this tribute drawn from her as he had already described, it was to the remittances made from Ireland, that were to be attributed the increased poverty of that country. Every addition to taxation required an additional exertion to meet it, and the increased exports which had taken place, had only had the effect of leaving in the country less than there was before. No man conversant with the situation of Ireland, would say, that there were now in it so many comfortable farms as there were before the Union. There might be more small farmers, but that was not an advantage. It arose from the landlord taking advantage of the density of the population, to exact large rents for small portions of ground, instead of being liberal, and throwing small holdings into good-sized farms. But the main source of the poverty of Ireland, was the being deprived of all, or nearly of all, manufactures. He was not aware, although he represented a commercial and flourishing community, comprising persons of all classes and creeds, and of various grades in society, that Ireland was in the least indebted to British skill or industry for the position in which she stood. At the period of the Union, the position of Ireland with respect to her commercial affairs was regulated by her own domestic legislature; but at the Union, she at once surrendered the power, he had almost said the right, of deciding upon or of looking after her own interests. They had, therefore, he conceived, a right to have back their own parliament, and to regulate their own domestic concerns. The Irish might, it was true, export one or two articles of manufacture to England, as stated by the hon. member for Belfast; but that did not prove general prosperity. He would state to the House what had been the manufacturing condition of the city he represented, previous to the enactment of the Union, as compared to its present state. The hon. Member read the following paper:—

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* Hansard (new series) xiii. 470.

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* Hansard (new series) xiii, p. 842.

State of Manufactures in the City of Cork, in the years 1800 *and* 1833.

In 1800 the number of broad weavers amounted to (earnings averaging 32*s*. per week) . . .	1000
In 1833 there were but (earnings from 10*s*. to 12*s*. per week) .	40
In 1800 the number of worsted weavers was (their earnings averaging 20*s*. or 22*s*. per week) . . .	2000
In 1833 there were but (earnings 5*s*. per week)	90
In 1800 the hosiers amounted to (earnings 18*s*. per week) . .	300
In 1833 there were but . .	28
In 1800 the wool-combers amounted to	700
In 1833 there were but . .	110
In 1800 the number of cotton weavers was (earnings 28*s*. per week) .	2000
In 1833 they were reduced to (rate of wages from 4*s*. to 5*s*. per week) .	210
In 1800 the number of linen check weavers employed was (earnings 15*s*. per week)	600
In 1833—Not one!	

Cotton spinners, calico printers, bleachers, &c., where there were thousands employed —all those trades are now entirely extinct.

The House, therefore, would have a false notion of the prosperity of Ireland, if the establishment of a manufacture or two in Belfast was to be taken as a criterion of that prosperity. He must take it for granted, that the petitions presented at different times, representing the impoverished state of Dublin and other cities, were founded in fact, for they were never disputed. He recollected, that when the late member for Armagh, his esteemed friend Mr. Brownlow, presented a petition in 1827, setting forth the impoverishment of Dublin, the right hon. the Secretary of the Treasury, then sitting on the Opposition side of the House, and Sir John Newport, both confirmed the statements of the petition. The latter was very slow in admitting, that Ireland had improved since the year 1800, saying, that certainly she had improved a little in her agriculture, but that he could not admit the fact of any general improvement. It was this which was in the mind of every rational man, and of every manufacturer in the city he represented, and therefore they had agitated the question of Repeal. Had they been happy and prosperous, they would have been content with their situation as they were during the war, when they enjoyed the same prosperity as England. They complained now because they felt distress and poverty; and it was because he knew the truth of their complaints, and that it was a domestic legislature only which could remove them, that he advocated the Repeal of the Union; but he would not give up the abstract right of Ireland, to possess a domestic Parliament, even if she were twenty times richer than she is. The domestic legislature had been filched from Ireland by fraud and corruption—by a Parliament which refused to reform itself,—by a Parliament filled with officers, with strangers, not with Irishmen, by men who were paid by the head for voting for the Union. In private life such a contract as that could not be maintained for an instant, for it was bottomed in fraud. Having lost the Parliament through bribery and false promises, the Irish were bound and entitled to get it back again if they could. At the same time he would not lend himself to the agitation of this question, if he thought that Repeal could in any manner lead to a separation of the two countries. Nay, more, if he thought that any person agitating for Repeal, did so with the view of attaining a separation, he would not join with such an agitator; but when he found an almost unanimous opinion in the community among which he lived, in favour of Repeal, without having any such object as separation in view, he could not but advocate it in that House. He had heard it asserted that the Repeal of the Union was not advocated in Ireland by men of property or intelligence, but by the mere rabble of the country. Now, he took it upon him to say, that so far as the community he had the honour to serve was concerned, that assertion was totally false. The proprietors of the land had certainly not petitioned for the Repeal of the Union, but neither had they petitioned against it. He frankly admitted, however, his belief to be, that the proprietors were generally against Repeal, but he asserted, that the intelligence of the towns, of the men of industry, of those whose exertions tend to promote the prosperity of Ireland, at the same time that they forward their own, was all on the side of Repeal. So convinced was he of this, that he would venture to say, that the present mode of dealing with the Question would do anything but put down their disposition to agitate it. When they knew, that benefits had not resulted to Ireland from this Parliament—when they knew, that it had not adopted any remedial system towards that country, it would not be very satisfactory to them to be told, that that House had almost unanimously resolved those questions in the affirmative, contrary to their own experience. They could not be satisfied, for they could not believe, that such a conclusion was come to from correct reasoning, or patriotic motives. He did not undervalue the advantages of the connexion with England, nor the honour of being a Member of the British Senate; but he declared he should be equally proud to be a Member of a domestic Legislature in Ireland, as he was of being a Member of the Imperial House of Commons. All the time he was sitting there, he could not shut his eyes to the fact, because he daily was convinced of it, that great inconveniences resulted from the seat of the Legislature being in a country distant from that the affairs of which it had to legislate upon. His right hon. friend, the Secretary of the Treasury, in the course of his long and able speech, referred to the charges made against him in particular in Ireland, and truly said, they were most unjust. He knew the charges which were supposed to have been made against the right hon. Secretary in the commercial community to which he belonged; but he assured the right hon. Secretary, that they were more made against the system than against the man. The great labour the right hon. Gentleman had to undergo precluded the possibility of his giving any attention to details which his inclination, he was sure, would lead him to investigate. They all knew, that he was in the hands of the subordinate officers in the different departments. If a complaint were laid before the Treasury from Ireland, it was referred to the very Board against the Officers of which it was made, and the Treasury in all instances considered the Report of the Board to be true, and that of the complainants to be false, although supported by affidavits and other evidences of the most unexceptionable description. This would not be the case if the Boards and different departments of the Executive Government, which a Repeal of the Union would render it necessary to establish, were to be referred to in Dublin. When his constituents found the great difficulty there was in getting access to public offices in London, and of the difficulty of getting redress for any grievances real or imaginary, it was not to be wondered at that they should desire a Repeal of the Union. He held in his hand a statement, by which it appeared, that the loss of one mercantile house, in the course of two years, by the imposition of duties beyond what were engaged should be imposed on the exportation of goods at the time of the Union, was no less than 1,578*l.* The 6th Article of the Union stated, that the goods of either country imported into the other should only be subject to the same duties as were imposed on the same goods in that country. For many years after the Union this Article was strictly observed; but now there were exacted from several manufacturers, as Irish distillers, for instance, duties of exportation from Ireland, instead of duties of importation into this country. He was aware, that the present practice had the sanction of an Act of Parliament, and that the Irish trader was therefore without redress; but it was part of the Repeal case that they were without redress; that the Article of the Union had been violated to their injury; and that they could not obtain justice. There were very few Irish manufactures which came in competition with those of England, but in every case in which differences had arisen between English and Irish manufactures, the question had uniformly since the Union been decided in favour of the English manufacturer. The right hon. the Secretary of the Treasury took credit for England for 330,000,000*l.* she had contributed to the revenue, over and above Ireland, since the Union. That was a fact, no doubt; but it was not one for which the Irish need be grateful; because, considering the prosperity of England, and the superior comforts of her people, it was only fair that she should be taxed in articles of consumption, 10,000,000*l.*, for it comes to no more in the course of the thirty-four years over and above Ireland. Another item for which the right hon. Secretary took credit, was the relief from 4,000,000*l.* of interest of her debt, which ceased to be charged against Ireland at the consolidation of the two Exchequers; but he would show the House, that this was no relief at all to Ireland. The bargain at the time of the Union was, that the Irish should pay two-seventeenths of the expenses of the country, but that they were never able to pay, and this deficiency was met by a loan raised in Ireland, the interest of which was paid in this country, so that never going to Ireland, Ireland felt no relief when the operation ceased. Ireland ought never to have been taxed with this payment of two-seventeenths; for, as was stated at the time, and as the result had shown, she was not able to bear it. At the Union with Scotland, the payment was fixed in proportion to the respective revenues of the two countries, but at the Union with Ireland it was fixed in proportion to the revenue and the exports combined, and he had already shown what a false view the exports of Ireland would give of its prosperity and its ability to bear taxation. If, as in the case of Scotland, the proportion of the revenue had been taken, instead of two-seventeenths, Ireland would only have had to pay one-twentieth. The great disproportion of payment which the bargain made at the Union threw upon her, she was for some time able to bear, in consequence of the artificial prosperity attendant upon the active war which followed. It was that that prevented complaints being made, but the grievance was from the beginning equally great. He begged pardon for detaining the House so long, and he promised to have done in as short a time as he could, consistently with what he knew was expected from him by those who had sent him there. The right hon. Secretary, to whose acuteness and fairness he had always been willing to bear testimony, surprised him much, by dwelling so long upon the situation of the manufacturing interest of Ireland before the Union; he said, that petitions had poured in from Cork, from Dublin, and from other places, complaining of distress in different branches of trade; and no doubt that at the time the individuals presenting those petitions felt distressed; but that did not prove, that there was general manufacturing distress throughout the kingdom. There were particular reasons besides, which induced the presentation of such petitions. It was the practice of the Irish Parliament, whenever it had a surplus revenue, to grant it for the relief of individuals, and the encouragement of manufactures. It was natural, therefore, for those who wanted any of this money to put in their claims; but he was convinced, that there was no such general destitution before the Union amongst the operative classes as had since existed. If the right hon. Secretary of the Treasury had made inquiry among the older inhabitants of the country, he would have found how completely mistaken he was. It had been urged also as an argument against Repeal, that the Parliament which existed in Ireland before the Union, had committed many errors, and was ignorant of the true principles of commerce; to prove which the right hon. Secretary read extracts from its proceedings. Now, in the first place, he was one of those who did not now totally reject the doctrine of protecting duties; he thought that where a state had to raise a revenue to pay its expenses, it was a legitimate mode to lay on duties which would protect its own manufactures. He was an advocate for raising a revenue in such a way as would enable a country to manufacture the raw materials produced by herself. He could never admit, that such a protection would be a bolstering up of an improper manufacture; besides, it could not be contended, that the English Parliament was a bit more enlightened with respect to trade than the Irish Parliament was at that time. Each country had a just right to make regulations to protect its own manufactures. Without that was done, there could be no increase of wealth, because no employment could be found for the population. The only wealth produced in Ireland at present was agricultural produce, and of that no material residue was left behind for the people; and any country which depended upon that alone for its support, would be unable to maintain a population equal in the same proportion to its soil, to that of Ireland. He was not an enemy to the connexion with England; but he did say, that the present system could not go on with any chance of happiness for Ireland. There must be some change; and he would say, that the circumstances under which the Union was carried, and the circumstances in which Ireland had been placed by the Union, entitled them to call for its Repeal. The right hon. Baronet, who made so powerful a speech when the question was last debated, wholly avoided touching either the resolutions before them, or the amendment moved upon them. He went at once to the question of Repeal, and stated that it was not a question to be argued, for he was convinced, that if carried, it would reduce England to the situation of a third-rate power in Europe. He could not concur in that opinion, for if he did, he should not advocate Repeal. The Repeal of the Union would simply restore the commercial relations of the two countries to the state in which they were immediately antecedent to the Union. Ireland would be made what she was then —England would certainly not be less than she was then, and she was then a great power. The right hon. Baronet certainly argued his case very ably; and if, at the time of the Union, he had entertained a similar opinion to that of the right hon. Baronet, he certainly should have voted in favour of the measure. But he was not of the right hon. Baronet's opinion, and could not have voted for the Union, had he (Mr. Callaghan) been at the age of manhood at the time. He felt himself justified, therefore, in now voting for its Repeal. The right hon. Baronet did not, in the course of his speech, able though it was, give his (Mr. Callaghan's) countrymen any reason for ceasing to petition that House for Repeal, and requiring their Members to advocate it, whenever it should be brought forward. The true interest of the Government of England, however, was to convince the people of Ireland that they were wrong in their views, and that the Union had benefited them. It would not be possible to agitate the inhabitants of Ireland by ten or twelve men telling them that they were injured, if the acts of the English Parliament had been for their advantage; and it was because they were not convinced of that, that the question of Repeal was growing rapidly into favour with them. It would, therefore, continue to advance, until remedial measures, upon a large scale, were adopted, to stop agitation. He could not conceive, that if the people of Ireland should send in their hundred members, all requiring Repeal, that it would be resisted because the Members for England and Scotland were unanimously against it. The soundness of that argument was admitted in the discussion of the question of Catholic Emancipation; and even the Chancellor of the Exchequer, although he said at first that he would resist a Repeal of the Union to the death, or rather, as he was corrected, would risk a civil war in resisting it, said, in explanation, that circumstances might arise, such as all the members for Ireland requiring it, which might render a Repeal of the Union necessary. Such he understood to be his statement at the time, although he did not find it in any of the reports of the debates of this House; but the doctrine had been so often admitted in discussing the question of Catholic Emancipation, that he must consider it a sound one. The great object of hon. Gentlemen opposite might be, to establish the truth of their principles, for they might depend upon it that a mere vote upon the subject would not put down the demand for a Repeal of the Union in Ireland. From his knowledge of what was going on in Ireland, he could state, that the positive determination which the House seemed to express of putting an extinguisher upon the agitation of the question, would only be the means of promoting it still more. He did not set up for a prophet, but he stated fairly the opinion he had formed from the course the present debate had taken. He admitted, at the same time, that there were difficulties in the way of immediate Repeal; and that was why he thought the hon. and learned member for Dublin had taken the proper course in moving for the appointment of a Committee. Even if the House came to the conclusion that Repeal was necessary, it would be requisite to appoint some Committee or Commission, to arrange such preliminaries as would prevent a collision in the political and commercial relations of the two countries. In this way the difficulties which presented themselves might be easily got over, without diminishing the greatness and prosperity of England. He did not say, that he should agitate this question, but he should give it his support whenever it came before the House. He was not like his hon. and learned friend the member for Dublin, the Colossus of Repeal, but he considered himself, as an auxiliary in the cause, bound to lay before the House, as an Irishman, the feelings and wishes of his countrymen, not for the sake of his seat in Parliament, but from his conviction that the Repeal of the Union would promote the prosperity of Ireland.

Mr. *Perrin* said, it struck him, on a careful and calm survey of the arguments on the side of the Motion of the hon. and learned member for Dublin, that it would be impolitic to repeal the Union, and that policy and justice to the Irish people required that the continued system of agitation should be suppressed. It was plain to any one who heard the speech of the hon. and learned member for Dublin, and watched the course of the debate, that Ireland could not obtain her independence but by violence, and that her independence through Repeal meant separation. He (Mr. Perrin) would here conjure his countrymen who allowed themselves to be led away by the seductive cry for Repeal and national independence, to weigh well the consequences of that measure, which was separation; to consider first the true condition of the country, and see whether there were not other and more pressing claims on their legislative solicitude than the abstract phantasy of Repeal. Were there no poor to be sustained? Was there no violence to be arrested—no sedition to be checked? Let them, he conjured them, give up useless agitation, and improve the country. What good did agitation produce? Why, it continued that fever of the public mind that infected the whole country. While agitation lasted, there would rest on the great mass of the community in Ireland a plague-spot and source of contamination that would spread from north to south, from rich to poor, and infect the entire country with the leprosy of disaffection. If separation took place (and Repeal meant separation) who could tell what form of Government would be established, so complex were the materials of which the constituency were composed, so adverse were the separate interests to be engaged in the question, and so conflicting were the professed opinions of the leaders, who seemed to agree in nothing but in separation, however much they might cloak their designs under the mask of independence and a separate Legislature? The terrible results those men, well meaning perhaps, but certainly misguided, would produce, would unquestionably be resistance, armed and formidable resistance, on the part of England, with its natural consequences, reconquest, and all its attendant evils, worse than were now complained of, or were indeed felt. They had, first of all, been told by the hon. and learned member for Dublin, that the Irish Parliament was incorruptible, that the Union was an usurpation, and that there was neither right nor justice in annihilating the Irish Parliament by the corrupt agency of the English? But who annihilated the Irish Parliament? Was it not that Parliament itself? The hon. Gentleman besides stated, that the Parliament could not create a Legislature. Granted: but if the whole Parliament could not create one Legislature, how could it be maintained that the present Parliament could create two Legislatures? Did the Act of Union rest on the legislative enactment of 1800, or was it not rather based on the concurrence of the people, yielding to and sanctioning its provisions. If there had been an outcry against the Union since its first enactment there might be some reason for questioning its popularity; but when the people for nearly thirty years had acquiesced in the measure without a murmur, and when the present outcry amongst a certain class was factitiously and factiously excited, it was too much to say, that the public will was opposed to the Union. But it was not the people alone that sanctioned the measure. The hon. and learned member for Dublin himself sanctioned it, and so late as 1828, too, when the hon. Member made his first speech in that House to defend his right to sit there as the Representative for Clare. What did he rest his argument on? Why, on the Act of Union! The hon. and learned Member contended, that under the Act of Union, which, be it recollected, he did not then designate as an usurpation—he had a right to sit as the Representative of the people. "He claimed" the hon. and learned Member said, "to sit and vote by virtue of the Act of Union."* The hon. and learned Member then spoke of the Act, as one which, while it bound the two countries in an indissoluble bond of amity, gave equal laws and equal protection to all—gave to every citizen of the State freely elected by the denizens of that State an irrefragable right to take his place in the councils of the nation. It surely could not be maintained, that the constituents of the hon. Member at that time did not recognise the Act of Union, when he himself stood on that Act. He could not see how the boasted independence of the Parliament of 1782 could prevent the compromise of 1800. If the Parliament of that time was so independent, and its independence and identity with the national will and the national interest went progressively on, then surely there could be no grounds for supposing, that it committed a pure act of suicide, and did not rather merge its own functions in those of the Imperial Legislature for the general good. He would rest the whole case on this simple point. Was not the incorporation of the two Parliaments a free act of the Irish Parliament? Did not the people acquiesce in it for nearly thirty years? Did not the Imperial Legislature pass measures, such as Catholic Emancipation, and the Reform Act, that the Irish Parliament would have shrunk from? The petitions from Ireland, in common with other parts of the empire, praying for a full measure of Reform in the representation of the United Kingdom, and the approval given to that measure, sanctioned that Union. The hon. and learned Member had complained, that the voices of the hundred and five Irish Members were not allowed to be heard in that House. Yet how often had that hon. and learned Member boasted, and justly boasted, of the divisions on the Reform Bill, which great measure, he affirmed, and no doubt with much truth, had been carried by the preponderance of the Irish Members? How, then, could those Members be said to have no voice in the Legislature? The passing of the Coercion Bill had been alleged by the hon. and learned Member in support of this position. He (Mr. Sergeant Perrin) had ever protested against that Bill; but still its having passed was no proof that Irish Members were tongue-tied, or powerless in the House. As well might the rejection of the Malt Repeal Bill be adduced as the proof of an allegation, that might be made that English Members had no voice in the Legislature. With reference to the Coercion Bill, as it bore upon the present question, it might be observed, that the precedent of the worst features in that measure had been set by the Irish Parliament. There was no doubt, that the measures adopted to carry the Union were worthy of the severest condemnation; but that was nothing to the present purpose. The hon. Gentleman said, that the Union was injurious to Ireland; but, at the same time, he failed in giving proofs of it. He said, that distress prevailed—that there was a fall of prices. Well, in some things that might be the case; but did it then follow, that because prices fell in some instances, the whole trade of the country must have fallen off on that account? He (Mr. Sergeant Perrin)denied, that there was a reduction—a general reduction, he would say—and that was the best way of putting the case. Partial reduction there might have been in some cases, but isolated instances did not warrant a general accusation or general deductions. Those reductions that the hon. and learned member for Dublin dwelt on resulted from the increased intercourse between the Irish and the British ports. Goods used to be stored in the Irish ports before the Union. It was not so now. In Belfast, Newry, he believed Cork, and other seaport towns, merchandize was not stored, but was at once shipped off. That was the result of the improvement of steam-navigation, not of the Union. Now, with respect to the linen-trade, he would say, that there was a greater trade now, upon the whole, than before the Union. This he believed, and it did not result from the provisions of the Union, but was a consequence of the altered relations of the trade of the two countries. The linen trade expenditure was greater now than before; more was made and exported; but then he would admit, that the whole expenditure scattered among the people was not so great as before. There was thread spun and flax made then by individual labour which was now manufactured by machinery; but, if machinery now usurped the occupation of handlooms, did it follow, that the general prosperity of that trade was deteriorated? The whole country had no cause of complaint. Those were things that the country could not complain of, as they were measures that no legislation could enforce, and no fair man complain of. The Union was not fairly tried; it had never been completed till 1829—till the completion of Catholic Emancipation. And was it not too much to expect a measure of three or four years to be hurried into legislative debate on such a short trial? What, then, was the cause of the agitation of this Union? Why, the tardy concession that Parliament made to the just claims of the Irish people. If Emancipation had been carried at an early period, without much recrimination, the Catholics of Ireland would have been peaceful, and the Protestants quiet. But now did not the Catholics fancy, as they wrested one concession, that they could wring another? Yet every concession should be made to Parliament, for, though its deliberations were slow, its decisions were generally wise. If the tithe question and the Church Establishment were placed on a proper footing,—if the former were settled, and the latter reduced,—there would not be that heart sickness which was now attended with such disastrous disorders in Ireland. He would oppose the original Motion, and support the Amendment, which had for its object the consolidation, the prosperity, the peace, and harmony of the islands. Of that Union he would say, "*Esto perpetua.*"

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* See Hansard (new series) xxi. p. 1403.

Mr. *Finn* said, that he felt called upon to reply to the very extraordinary speech of the learned Sergeant who had just sat down. The learned Sergeant had said, that if the Irish Parliament was not competent to enact the Union, as a consequence, the Imperial Parliament was not competent to dissolve the Union; but even the hon. and learned Member himself did not attempt to deny or palliate the detestable means by which that Union had been effected. It was fashionable to talk of the corruption of the Irish Parliament; but it was not the Parliament of Ireland alone that was corrupt. Did not the House know, that every means were resorted to to corrupt that Parliament, and then would they say, that no share of guilt or shame attached to those who administered the corruption? Corruption was clothed in every shape and form; and after this—after every means had been resorted to to debauch the Irish Parliament—were they indeed to be told that that Parliament alone was guilty and corrupt? It was English Ministers and English men that carried the Union. The Irish Parliament should not bear the entire blame. It had been seduced treacherously and guiltily into the surtender of its independence; and would the House or the country reserve all its concentrated opprobrium to be turned upon the victim of the seduction, and pass the seducer in silence, or reward him with approbation? That Union had been effected by fraud; and it was an historical fact, that had there not been English officers sitting in that Parliament, even fraud would have failed, and the Union never would have been effected without force. But surely the hon. and learned Sergeant, who seemed to vaunt himself so much upon the irrefragable strength of his argument, would not attempt to deny, that if the Irish and the English Parliaments were competent to enact the Union, they were also competent to repeal the Act of Union. He trusted, that the hon. member for Monaghan (Mr. Perrin) would not support any attempt that might be made to put down the free discussion of this question—he trusted, that he would not sanction any measure that might be brought forward to suffocate the free voice of Ireland. He did not attempt to say, that the opinions of the member for Monaghan might not be sincere; but he claimed for himself the same credit for sincerity, and he must say, that his opinions on this question were inflexible and unchangeable. There were seven millions of men in Ireland who thought with him. Those who thought that they could put down the discussion of this question were most lamentably deceived. As long as he and the constituents who sent him there, were convinced that the present misfortunes of Ireland flowed from the Union he and they would never cease to struggle for the Repeal of that Union. He did not say, that they would use other than constitutional means. It was, perhaps, attractive in that House to use minacious language, particularly when it proceeded from the benches opposite. He would not say, that he would press the question to the death, but he did not despair that the Irish people would be able, by constitutional means, to succeed in restoring to their country the plundered dignity of a domestic Legislature. The Coercion Bill had been passed for the purpose of putting down the discussion of the Repeal of the Union; but had it succeeded? They had their answer in the petitions which had been presented to that House, and in the very debate that was now proceeding. They had an admirable epitome of the dominant British spirit that arrayed itself against this question, exhibited in the very able speech of the right hon. Baronet, the member for Tamworth. The spirit of that speech was, "No matter if you furnish ten times the number of facts to show that the Union has desolated Ireland. That is not the question. So long as that Union is advantageous to England, continue it must.

Volo, sic jubeo, stet pro ratione voluntas.

The right hon. Baronet did not disguise the matter, but if he (Mr. Finn) spoke his sentiments as a true Briton, he would not shrink from speaking the sentiments of a true Irishman; and his answer was, "I feel as proud of my country as you do of yours—I love my country (endeared more even by her misfortunes), with the same attachment that you entertain for yours. I take the evidence of my senses. I see from the occurrences that are taking place before my eyes, that the Union has been mischievous and injurious to Ireland. There I take my stand; and you never shall prevent me from seeking the dissolution of that Union, the continuance of which I consider injurious to my country." This was the answer which he would give to the speech of the right hon. Baronet. Where, in Ireland, did he not see the consequences of that measure traced out in the ruin of the country? Let them look to Dublin—to the county of Carlow—to the county of Kilkenny—in fact, there was scarce a part of Ireland that did not supply evidence of the disastrous consequences of that fatal measure. It could not be denied, that the Union had inflicted great misery on the mass of the people of Ireland, notwithstanding the statistical statements of the right hon. Secretary to the Treasury. He could well understand how an Irishman of large fortune and great ambition might enter this House, and, feeling, that his large and vigorous talent should not, nor ought to be confined to the limited sphere of the island that gave him birth, might seek a wider and a loftier sphere of action, and to show how superior he was to the ignobleness of paltry national and vulgar prejudices, might wish to get rid of the unfashionable name of Irishman, and assume the more dignified title of West Briton. He did not doubt but it was a prudent course. If Wellington had confined himself to Ireland, he never would have been a duke; if Castlereagh had confined himself to Ireland, he never would have reached the height of power and influence which he had attained in this country. No doubt the right hon. "West Briton" was preparing to fill some higher office; and when, in the fulness of time, it should happen that the noble Lord opposite was removed from his seat in that House, no doubt they should see the right hon. "West Briton" filling—that dignified station in which he could so well exercise his financial talents as Chancellor of the Exchequer. He was not ambitious to assume any other title than that in which he gloried, namely, that of an Irishman who loved his country. He felt no greater honour than to be *merus Hibernicus*, performing his duty to the poor people who sent him there, and struggling, however ineffectually, for the rights of his native country. To that country he had contracted allegiance at his birth, and that allegiance he never would lay down but with his life. He was well aware, that hon. Gentlemen might hold cheap the taste of any man who had the vulgarity to boast himself an Irishman. But Ireland was his country, and he was proud of it. He claimed no share in the Duke of Wellington, for since he rose to fame and eminence, he had never visited his native land; and he cared little for the fame or eminence of any man who was ashamed of the country that gave him birth. The Duke of Wellington had lost the estimation of his countrymen, because he had not taken his title from Ireland. An hon. Member had stated, that the Irish Members had as much influence in that House as any other Members; but the fact was, that Irish Members had never the least influence in that House, unless when they took part on English questions. When they united on the Grand Jury Bill, they proved how little, indeed, they had been able to accomplish. Indeed, upon the Reform Bill their voices had influence; and it was a majority of Irish Members who carried that measure. They had talked of the people of Ireland as a priest-ridden people; but did they forget the services of the Irish Catholic peasant in every battle that was fought for the honour and security of the Crown of Great Britain? The blood and treasure of Ireland had been liberally poured out for the service of England, and the reward of all was, to be told, that the people of Ireland were a priest-ridden people. The hon. member for Monaghan had said, that he would vote against the Motion of the hon. member for Dublin, and, of course, in support of the Resolution of the right hon. Secretary. But, at the same time, he insisted, that much should be done for Ireland—that many evils remained to be remedied, and that, until the proper remedy were applied, Ireland would not be content; but it did not occur to that hon. Member to consider, that the first part of the Resolution the hon. Member meant to support declared, that the Union should be permanent, and that the second part of it implied, that enough had been already done for Ireland. The first Resolution said of the Union, *esto perpetua*. As to the advantages which the Union had conferred on Ireland, he would say *credat Judæus Apella*. At the last election he had not given any pledge upon Repeal. The people did not require it of him, for they knew, that he was an apostle of the cause, and, instead of being converted, he had himself converted many. He knew that many men had got into Parliament at the last election by convenient pledges. He was aware, that many even found their way into that House by extravagant professions, which the people expected they would perform. For his part he would say, that if the suppression of any honest opinion which he entertained, or the affectation of any sentiment which he did not feel, could gain him a seat, not merely there, but in a higher place, he would spurn the situation, and cling to his honest and virtuous conviction. Those who knew him would give him credit for that feeling. Those who knew him by character would equally do so. For he believed neither friend nor foe would deny that such was his disposition. His constituents, as he had already said, knew him too well to require any pledge, but he would not cease to advocate that great measure as the *sine qua non* for the relief of the evils which affected Ireland. What had been done for Ireland? It had received a Tithe Bill; but was that a measure of relief? Why, it was worse than any one measure ever introduced by any Tory government. It would increase the tithes in every case where it should be applied; and this was the panacea for the evils of Ireland! This Bill was calculated to embitter the relationships existing between landlord and tenant. It transferred the debt of the tenant to the landlord. He considered the tithes one of the greatest evils that afflicted Ireland, and he did not see any chance of effectual relief for the people. He did not see any disposition to afford the people the least redress of this most afflicting grievance. It was necessary that the Church should be kept up for the sake of its patronage. Many a private tutor to the son of a nobleman had been promoted to an Irish bishopric. They had seven Englishmen bishops in Ireland, with a revenue of 50,000*l.* a year. He was not aware, that there was any Irishman filling a bishopric in this country. Let them not deceive themselves; the people of Ireland would be awakened to their own interests, and see the prudence of combining for the common good of their country. What he complained of as respected his countrymen was, that their jealousies kept them asunder. They had too easily yielded to the policy which England had successfully practised in Ireland. *Divide et impera* was the principle that weakened and kept down Ireland. He might be told, that there was danger in using this language, as it was the interest of the Government to keep them asunder; but he knew this was the language of Irishmen and the language of Christians. It was the consistent principle of the Government to keep Protestant and Catholic separated; and he firmly believed, that if the Catholics had the ascendant in Ireland, they would still endeavour to foment divisions between them and the Protestants, as they knew, that in the weakness of Ireland lay the strength of British dominion in that country. It had been said, that a corporation had no conscience; he believed he might equally say, that a Government had no religion. Had they not, at one time, heard of the Marquess Wellesley, at Cadiz, drinking the Pope's health, whilst the Catholics at home were suffering persecution and oppression? Ireland was one of the most fertile countries on the globe, and yet one of the most wretched; and how did they account for this? It was, in his opinion, the want of self-government. It was proved, that under domestic government, Ireland had rapidly improved from 1782. Was it not the fact, that since the Union Ireland had as rapidly declined? The hon. Gentleman (Mr. Spring Rice) had read long statements of figures to show, that Ireland had increased in prosperity since the Union; but the hon. Gentleman had carefully omitted from his statement any allusion to a Report drawn up by an Irishman, in which the decay of Dublin in particular had been dwelt upon. In that Report it was shown, that vast numbers of houses in Dublin were unoccupied, though the population had increased several thousands in the period to which the Report referred—that was from 1813 to 1820. In that period it was, that one-fourth of the householders of Dublin were insolvent. This account was, no doubt, very inconsistent with the statement of the hon. Gentleman the other evening; but would the House believe, that he was the author of both? The discrepancy between the two statements would be accounted for, perhaps, by the fact, that the former was made when the hon. Member was a mere Irishman, who admitted, that there was music in the tune of "Garryowen," but who had since, in his improved taste, seen reason to prefer the tune of "Oh the roast beef of Old England." The right hon. Gentleman had made many of his statements on anonymous authority. It was in this way that they passed the Coercion Bill. They had plenty of anonymous authority, but they refused to give up their informants. On the occasion of the Coercion Bill, the only authority they named, was that of a Catholic Baronet; now, when the right hon. Gentleman was asked to name his informant, he refused, with the exception of Dr. Doyle. They uniformly named the Catholics without hesitation, and exposed them to all consequences, but the names of their Protestant informants they cautiously concealed. Not one in fifty English Members in that House knew half so much about Irish affairs, as the majority of Irishmen did about those of England; yet the Irishmen took very little share in the discussion of matters relating to England alone, while the great mass of English Members voted on and decided all matters relating to the internal affairs of Ireland. Reverting again to the question of tithes, he observed, that the people of Ireland had been deluded on that subject by the present Government. The general impression in Ireland—and it was sanctioned by the speeches of those who were supposed to speak the sentiments of the government was — that tithes would be abolished altogether. In the county which returned him, meetings of from 20,000 to 100,000 persons had been suffered to take place; and they had it on the evidence of their own stipendiary magistrates, that the general impression on the part of the people was, that it was the wish of the Government, that such exhibitions should take place in order that they should have an opportunity to get rid of the tithes altogether. This impression was strengthened by the speeches delivered from the hustings by those who were supposed to be in the confidence, and to speak the sentiments of Government, and who held out the most flattering expectations to the people of all that the Government intended to do for them. This led the people of Ireland to entertain a confident hope, that tithes would be abolished; but how had that hope been realised? By a Bill which would, as he had said, have the effect of increasing their pressure. Why, the Tories were much better as a Government to the Irish nation. Whatever little they promised they performed. They did not hold out false hopes, and then deceive those who trusted them. He would assert with confidence that the speech of the right hon. Gentleman would lay the foundation of more petitions for Repeal than anything which had been said or done in that House for years; and for this reason: that it would be seen that the whole was founded on mis-statement. The right hon. Gentleman might have his triumph in that House, but the people of Ireland would have their triumph elsewhere. The Secretary for the Treasury had his day now, but the people of Ireland would have their day. It would be a day of the triumph of united and peaceful exertion. They were at present a divided people, but the time would come when Irishmen of all ranks and classes would be united on this great question. Let them not rely too strongly upon Ireland weak in her divisions—the day would come when she would be strong in her Union. That great and extraordinary man, of whom Sheridan had said in this House, that "Kings were his sentinels and kingdoms his Martello towers," had been prophetically told that Spain, which had been the theatre of his atrocities and his cruelties, would one day become the tomb of his greatness and the grave of his glory. He implored the Government of England and that House, to learn wisdom from experience and to treat the Irish with kindness and with justice. If they persevered in their present system—if they thought to crush that country beneath their feet—if they stifled the voice of Ireland, not by justice but by coercion—if they continued an Union which inflicted wretchedness and injury on one country, whilst its benefits to the other were doubtful—if, in fine, they did not alter their system towards Ireland, he would tell them, and his words would be fulfilled, "That Ireland, which had for centuries been the scene of their mis-government and their oppression, would, one day or another, be the grave of their power and greatness."

Mr. *Denis O'Connor* assured hon. Members that it was always with unaffected reluctance he trespassed on their attention, and the unwillingness which he at all times felt to obtrude his observations upon them was anything but lessened on the present occasion, by knowing that the opinions which he entertained upon the subject then before the House were not in unison with those of the majority of its Members. Be these, his opinions, right or be they wrong, he was conscious of his own sincerity in adopting them. He was not obliged to assume them, to decoy support to carry an election. They who favoured him with their suffrages gave them unconditionally. But, on the other hand, some, whose support he should be most anxious to receive, declined to give it to him from a knowledge of his opinions on this question. They were to him, in an electioneering point of view, rather a disadvantage than a service; as the only contest he had to apprehend was from an anti-Reform candidate, and the Repeal Question had a tendency, in some slight degree, to divide the liberal interests in the county which he had the honour to represent. Upon that, however, and upon every other question, he came into that House unbound, unfettered, and unpledged—the freely-elected Representative of an independent, intelligent, and confiding constituency—his opinions were his own, and he would not shrink from their avowal. From the earliest period to which his political recollections could revert, he always contemplated the Union as having interposed a fatal barrier to the improvement of Ireland. It might be, that he formed this opinion of it from dwelling on the wrongs inflicted on that country during the sad period of England's uncontrolled dominion over it, and that knowing, to use the words of her ablest statesmen, that she ever made the interests of Ireland subservient to her own, he distrusted a legislative partnership with a nation that appeared at least to be too selfish to be just from principle, and was certainly too powerful to be so through compulsion. It might be, that he was struck with admiration at the unparalleled advance in prosperity, which he would maintain Ireland had achieved instantly upon having vindicated her national independence, and that he presumed, were that independence continued or restored, the improvement that had so happily commenced might be brought to a fortunate consummation. It might be, that contemplating with horror and disgust the means by which the Union was brought about, he looked with aversion at a measure that was accomplished by means of such unjustifiable policy, and that he felt predisposed to believe, that as it was generated in crime, it could be productive only of misery. Perhaps, too, he was strongly influenced by those effusions of eloquence of the best and the ablest of men and of politicians against the Union, from whose speeches so many extracts had already been read. He gave credence to their doctrines—he subscribed to their belief—and he could not become an apostate from their faith, even though they renounced it themselves. On each of these points he might be disposed to make some observations, but the lengthened details into which other hon. Members who had preceded him had entered, anticipated all, and much more than all, he could say upon the subject. He might be allowed, however, to observe, that it ought not to seem unnatural or improper for Irishmen to desire, that their country might be restored to something of that position in which every man distinguished for patriotism, or pre-eminent for public virtue, wished her to continue. Were Ireland still in the enjoyment of her domestic Legislature, the man would be stigmatised as a traitor who would barter it for gold, as his predecessors had done. And was it just, then, to denounce those as deserving the indignation of their King, and the censure of this House, who entertained a wish to see their country in the enjoyment of that which it was considered criminal to have abandoned, and was so considered by our present Lord Chancellor of Ireland, and by our present Prime Minister. He would not detain the House by reading long extracts, or making long quotations, but with their permission he would read the petition of the gentry and landholders of the county which he had the honour to represent, addressed by them to the Irish Parliament when the Union was under discussion in that House. It was this:—"His Majesty's most dutiful and loyal subjects, the gentry and landholders of the county of Roscommon, having heard with inexpressible concern that it is in agitation to surrender the liberties and the Constitution of Ireland to the control of a foreign legislature, by an incorporate Union with Great Britain, entreat the House to reject so odious a measure; and they trust that a Constitution, in defence of which they have so lately hazarded their lives and properties, and under which their country has within a few years risen to such a state of wealth and prosperity, will not be subverted by the House which has been delegated by the people, not to surrender or destroy, but to preserve and protect it as left them by their ancestors, and finally established in 1782." In the sentiments of that petition he cordially concurred; he questioned the legality or validity of the transaction. If an agent were to lease away property having received a large fine for the conveyance, would not the bargain be null and void? The Catholic people were in duress and cajolled by deceptive promises, the Protestant trustees of the Irish Legislature were bribed to convey away their trust; the transfer was not good in law. Yet he would not touch upon that point if it could be shown, that it was for the advantage of both countries. He feared that no such thing could be shown, at least it could not be proved that the measure had conduced to the prosperity of Ireland. Let hon. Members leave calculations which involved so much of uncertainty, let them look at the actual condition of Ireland, let them measure its prosperity by contrasting it with that of England. Look at England, the emporium of wealth, with improvement and comfort and abundance diffused over its whole surface. Look at Ireland, uncultivated, beggarly, and wretched. What was the reason of this—was not Ireland blessed with as genial a climate, was she not favoured with much more natural fertility of soil, were not her inhabitants equal to those of England, in every mental and physical endowment? yet with all these advantages, how did it happen that she fared badly, while every other part of the empire prospered? Did that show, that she had improved by the Union; did she, he would ask, really appear to be an integral portion of the empire to which she belonged? He wished not, at that late stage of the debate, to occupy the time of the House, but he could not refrain from observing that if he for one moment anticipated those disastrous results from a Repeal of the Union which its opponents predicted, he should instantly unite with them in giving it every possible obstruction. He could not, however, see any good reason to apprehend them. In every vicissitude, and at all times, the Irish people evinced the most devoted loyalty to their Sovereign. In fidelity to his present Majesty they yielded to no class of his subjects. In their devotion to his Majesty he most deeply participated. Could the Repeal of the Union be justly interpreted as a renunciation of his Majesty's authority, he would shrink from it with horror. Could he be convinced that it would lead to a separation from England, his most fervent protest should be entered against it. Had the two countries never enjoyed separate domestic Legislatures, he might attach some weight to the assertion that Repeal and separation were synonymous; but all that he wished was, to place Ireland in a position in which the firmness of her loyalty had been already proved, and the stability of her connexion with England admitted. It was true, that in the retrospect of that period, some found reason to question the stability of the connexion with England, if the Union had not been carried. The free trade that was enforced, the regency question that was discussed, had been adduced to prove that Ireland could not legislate separately, without endangering the connexion between the two countries. But he would call on the House to remember, that it was after the regency question had been settled; after all these dangerous trials had been surmounted, when all the arguments adduced in the present debate had the strength and the freshness of recent delivery in them, that the ablest statesmen of the day maintained that not only was a separate Legislature consistent with loyalty to the King of England; not only was it consistent with the connexion with England, but that they asserted that the Union would militate against both. The same authorities asserted the rapid stride in improvement which Ireland made under her independent Legislature. What they then stated were facts that might at the moment have been easily verified. What was now asserted was founded on calculations that might involve errors difficult to discover at once. He could not sit down without adverting to some observations that fell from the hon. member for Belfast, in impugning the conduct of the Roman Catholic Members of Ireland. His hon. friend, the member for Tipperary, stated that these observations sunk deep into the heart of every Roman Catholic in that House. As one, he would say, that the only sentiment they excited in his mind was pity for the little judgment and bad taste of the hon. Member, in impugning the motives of men who were not his inferiors in political honesty, or political judgment; and, thanks to British justice, were his equals in that House. He would not follow that example; on the contrary, he wished that the debate had been conducted without reference to personal motives or views. He would support the Motion of the hon. and learned member for Dublin for inquiry, but even if he could not support that Motion, he felt he should oppose the Amendment of the right hon. member for Cambridge, because it appeared to pronounce a panegyric upon England for her conduct towards Ireland; in the justice of which he could not acquiesce. Hon. Members should remember that during the discussions on the Reform Bill, when the Irish Members demanded a greater number of Representatives for Ireland, their claim was rejected, and the grounds of the refusal were stated to be that she was too poor to be entitled to them—that she had no increase of trade, no new towns, no additional prosperity, to justify any enlargement of her representation. Thus she was at that time taunted with her poverty—now she was taunted with her wealth when she sought to remedy that poverty.

Sir *Robert Bateson* could assure the House that he should trouble them but for a very short period, and he should not have risen at all, but when he heard so much of the Irish people—when he heard, that the whole of Ireland were of one mind on this momentous question, he felt it his duty to set the House right upon the subject. In one part of Ireland—namely, in Ulster, the intelligence, wealth, and respectability of the county were decidedly opposed to it. That, he asserted, was a matter of fact which could not be contradicted. Hon. Members at that side of the House had stated, that they looked forward to the time when the measure should receive the support of the 105 members serving for Ireland, as, in that event, it must be certain of success. He (Sir Robert Bateson) thought they might look in vain, for such a circumstance never could take place. At that period of the debate it must be the height of presumption in him, particularly after the splendid speech of the right hon. bart. (Sir Robert Peel), to adduce any new argument; he should, therefore, merely confine himself to a brief statement of facts. In the whole province of Ulster he knew but one avowed repealer, Mr. Sharman Crawford. He admitted, that latterly, however, the question had made some way with the lower orders. Three years ago he stated, that ninety-nine out of every 100 persons in the north were decidedly against Repeal. He was sorry to say, that that was not the case at present, for within the last year or two many felt dissatisfied and discontented with the measures of Government. The measures of Government were, in fact, most unsatisfactory to the people of Ireland generally. In the south the people were discontented, and cried out for Repeal. In the north the people were peaceable, industrious, and loyal. The whole of the north of Ireland cost the country but three regiments of infantry; and what thanks did the inhabitants get for being peaceable and loyal? They saw the magistrates whom they respected and loved dismissed, without any cause being assigned, or in fact without any trial. They saw the Yeomanry ,who had been the defence and protection of Ireland in the worst of times, calumniated and disgraced. These circumstances tended to alienate a portion of the people; but he believed the great mass of the population of Ulster were stedfastly opposed to Repeal, because they conceived it could not be carried without causing a separation from England, and could not be effected without a bloody and religious war. He, therefore, hoped, after this long debate, if there should be, as he trusted there would, an overwhelming majority against the Motion, that Gentlemen would cease this useless, this mischievous system of agitation. If Gentlemen would but promote peace and concord at home, trade would flourish, and happiness be restored to Ireland. Why was it that trade flourished in the north of Ireland, while it languished in the south? It was because peace and tranquillity reigned in the north. If, as the fact was, the south of Ireland was blest with a finer climate and a richer soil, why, it might be asked, was it not as prosperous as the north? It was solely owing to the system of turbulence and intimidation which existed there, caused, as he had no doubt these circumstances were, by mischievous agitation. He implored his Majesty's Government to encourage the trade and commerce of Ireland, and they would then gain the hearts and good wishes of the people of that country. He would conclude by saying, that he should cordially support the Amendment.

Mr. *Lefroy* said, it appeared to him that if the Imperial Parliament were, at the instance of the hon. and learned member for Dublin, and those who supported him, to concur in a Repeal of the Union, or any measure for the establishment of separate Legislatures, it would be one of the grossest breaches of national faith and probity that ever was committed. He begged particularly to call the attention of English Members to this point :—they had been intrusted by Ireland (when she gave up her own Parliament), to legislate for her on certain terms. One of these was,—that we should be for ever represented in one and the same Imperial Parliament. The hon. member for Roscommon (Mr. D. O'Connor) said, that the Legislature which passed the Union had committed a breach of trust; but, if so, how much greater would be the breach of trust committed by the Imperial Legislature, were they to accede to the present motion, in opposition to the express terms which were stipulated for at the passing of the Union. Let the House look to the importance of this. At that time all the great interests of the country were to be provided for,—the landed proprietors, the Protestants, the Roman Catholics, the Church. The great question was then depending of the Roman Catholic claims; they obtained, by the transfer of the legislative power to an Imperial Parliament, the prospect of political power; but, on the other hand, the Protestants looked to that measure for the security of property, the safety of the Protestant religion, and their Church Establishment, and of all those institutions by which a system of rational liberty was secured under the British Constitution. The object of the present motion was, to deprive Ireland of that protection for which she had stipulated,—to do away with that United Legislature from which she had looked for this protection, and the preservation and maintenance of which was one of the fundamental articles upon which an Imperial Parliament was intrusted to legislate for her. The Roman Catholics had obtained all they were led to expect from the Union; and if, after the Relief Bill had been passed, this House were to turn round and Repeal the Union, they would be guilty of a gross breach of trust,—acting in direct contravention of two of the great fundamental articles of the Union, one of which guaranteed the continuance of a United Legislature,—the other, the perpetual continuance and preservation of the Established Church and the Protestant religion. Now, one of the very grounds upon which it was sought to Repeal the Union was, the existence of that Church in Ireland. The hon. and learned Gentleman, the member for Tipperary, had stated, that the same measure of justice had not been meted out to Ireland, at the passing of the Union, that had been dealt out to Scotland when that country became incorporated with England inasmuch as the religion of the majority was not made the established religion in Ireland. That was quite true;—but, then, the hon. and learned Gentleman appeared to have forgotten, that, at both Unions, the maintenance of the then established religions in each country was stipulated for. In Scotland, the Presbyterian religion was, at the time of the Union, the established religion of the country, and its maintenance was guaranteed; while, in Ireland, the Protestant religion was the established religion, and its maintenance was equally secured. It was not, therefore, to be laid at the door of the Union, that the religion of the majority was not the established religion of Ireland. The Protestant religion was made the established religion by a Roman Catholic Parliament,—the same Parliament which, in the reign of Henry 8th, enacted, that whoever should be King of England *de facto* should be King of Ireland *de jure*. That Parliament adopted the Protestant religion as the established religion of the State, and it was acquiesced in and confirmed by every succeeding Parliament,—even by those in which Roman Catholics sat, until their exclusion; and this was confirmed and solemnly ratified for ever at the Union, by a Parliament, returned not only by Protestants, but by the Roman Catholic 40*s*. freeholders. Did it require the assent of the numerical majority of the people to give validity to an Act of Parliament? Was the Protestant religion to be deemed less the established religion, because a majority of the lower orders had not adopted it? If so, what was to become of the title of the great advocates of this measure to sit in that House, for, no doubt, the Relief Bill had been passed against the sense of the great numerical majority of the people of England. He was satisfied, that if, at the passing of the Relief Bill, it was supposed that it would have led to any such demands as that now under consideration, those who mainly assisted in carrying it never would have put their hands to the work. Those who came forward at that period as suppliants never hinted, that they asked for political power as a means of repealing the Union, and subverting the established religion of the country; and sure he was, that, if any such intimation had been given, that measure never would have passed. Every Roman Catholic who came forward as a witness in favour of that measure, held out the contrary; every Roman Catholic member who came into that House under the Relief Bill, came into it bound by the strongest possible obligation not to subvert the Protestant establishment in Ireland. He was satisfied, therefore, that there was not any just foundation for calling upon the Imperial Legislature to repeal the Union, followed as it must necessarily be (indeed it was openly avowed) by the subversion of the Established Church. When, in addition to this, it was recollected, that the measure now demanded was called for only by a portion of the people of Ireland; when it was recollected, that it was urged forward against the consent and concurrence of the property, intelligence, and education of the country, and against the wish of the great body of the Protestant population; when, he repeated, it was called for against the opinion of the moral weight and influence of the country,—he felt assured, that the Legislature would not, by granting the Motion, violate the trust reposed in them. The object of the present Motion was, not to send the question for inquiry, it was, in fact, a mere cloak for Repeal. It was said, by an hon. Member, that if all the Irish Members concurred in the necessity of a Repeal of the Union, it would be impossible to resist it. He (Mr. Lefroy) admitted, that that might be a case of difficulty; but of this he was certain, that no difficulty presented itself where not half,—nay, as perhaps it might turn out, not one-third of the Irish members were favourably disposed towards it; the more particularly, as the advocates of Repeal were sent into Parliament, not to discuss the question, but to vote for it. They were sent into that House as retained advocates, and held their seats by that tenure, with, he believed, the single exception of the hon. member for Roscommon, who disclaimed having given a pledge. At least, the supporters of Repeal, before they quitted the hustings, had committed themselves, and were now debarred from the free exercise of their opinions upon the subject. He would call the attention of the House, and the attention of the Government, to the true state of the question, and the position in which it now stood in Ireland. It had been sometimes insinuated, that there were eight millions of persons in Ireland favourably disposed towards it. He (Mr. Lefroy) did not give credit to any such statement. He did conceive, however, that he should be misleading the House were he not to admit, that a very considerable proportion of the Roman Catholic population were heartily devoted to the question. He admitted, that the great numerical majority was in favour of Repeal; and he believed, that the Roman Catholic priesthood were decided Repealers. On the other hand, there was arrayed the great bulk of the property of Ireland,—the great mass of the gentry, the education, and the learning of the country. There was, besides, the whole of the clergy, and, as yet—he repeated it, as yet,—the great bulk of the Protestant population; and whilst things remained in that state, there was no danger of Repeal. But if that state of things gave place to another,—if the advocates of Repeal could gain over the Protestants of Ireland to give them their support,—if the game now playing to effect that object should succeed, then a Repeal of the Union, or a civil war, must be inevitable. He did not state this with a view of exciting vain terror in the breast of any person; he merely urged it with a view of showing the necessity that existed of pursuing a temperate and judicious system of government in Ireland. He did not wish, at that time, to advert to any mistake that might have been made; but he would warn the Ministers, and entreat them to look to the subject, and avoid needlessly hurting the feelings, or wounding the prejudices, of men who were willing, at the expense of their lives, if necessary, to uphold British connexion. The Protestants of Ireland were the descendants of British settlers; and they had never forgotten their allegiance to their Monarch, or their dutiful attachment to the mother country. He would again warn his Majesty's Government to avoid all needlessly harsh treatment of them. He desired no partiality or favour for the Protestants of Ireland. He only desired what, in gratitude and justice, they were entitled to; but he must say, that, hitherto, they had been dealt with in a manner calculated to lead to the result adverted to by the hon. Baronet who preceded him; but, unquestionably, from all he (Mr. Lefroy) could learn, he feared that, if that course were persevered in, it would lead to the most mischievous result of throwing the Protestants of Ireland into the arms of the Repealers. The hon. and learned Gentleman concluded by stating, that he should support the Amendment, and give his decided opposition to the original Motion.

Mr. *Cutlar Fergusson* said, that the hon. and learned member for Dublin, in the course of the very long speech which he had made, had consumed many hours in establishing certain propositions, which he, for one, had never been inclined to oppose. That Ireland had never been rightly subjected to England,—that she had been gained by a system of cruelty and oppression which had been scarcely ever paralleled, might be argued; but these were not topics which had reference to the question before the House. It mattered not to him how we had obtained dominion in Ireland; and it was sufficiently affirmed, that Ireland had been treated by this country as an independent nation when the Union was effected. But the hon. and learned member for Dublin went further than this, and here he separated himself from him. His hon. and learned friend contended, that it was an established principle, that the Legislature of no country could create a Legislature; and that, although it might make, it could not confer on others the power of making laws. The hon. and learned Member mentioned the names of several eminent Irish lawyers as authorities on his side of the question, and also quoted the authority of Locke, to show, that a Legislature could not make a Legislature. The authority of Mr. Locke was considerable, and his general reasoning and his theory were to the effect mentioned by the hon. and learned Gentleman; but, in practice, what was the doctrine resulting from the Revolution of 1688, of which Mr. Locke was the able and zealous defender? It was, that the two Houses of Parliament could, of their own authority, make a change in the highest branch of the Legislature, by deposing one King and putting another on the Throne. By naming another King they did not confine themselves to the making of laws, but gave to another party the power of legislating. That case was infinitely stronger than the Union. With regard to the opinions of the Irish lawyers, they spoke more as partisans than as lawyers. He doubted very much, whether any of the authorities referred to by the hon. and learned Gentleman would, in the exercise of their profession, if a case had been laid before them,—or would, if they had been sitting on the Bench,—have laid down the positions which the hon. and learned Gentleman referred to. But, supposing those opinions to have been sincere and well-considered on the part of those learned persons, did it follow, that they would now have been for the Repeal of the Treaty of Union, which they had so opposed at the time it was made? Was there really and necessarily any inconsistency in those who thought, at the time, that the Union ought not to have taken place; and who now thought, after it had taken place, that it ought not, after such a lapse of time and change of circumstances, to be disturbed. To what an extent might the argument of the hon. and learned Gentleman be carried. If the Act of Union were null and void by reason of the incompetency of those who made it, everything done under it must be null and void. Was any one prepared to say, that everything done under the Union with Scotland (for that must be governed by the same principle) was null and void? He should be alarmed at the idea, that his country might thus be deprived of all the blessings and advantages which had been conferred upon her by the Union with England. In his opinion, the Legislature of every country—particularly a representative Legislature—had a right to do for the people, whatever the people, if they were assembled together, could do for themselves. But, certainly, if ever there were a compact which ought to be binding, it was a Treaty of Union; and between two nations, one of which was less powerful than the other, if either of them could be supposed to be interested in the permanence of the Union, it was the weaker party. For instance, it was said, that either party showing sufficient grievance, could demand the dissolution of the Union. But who was to be judge of the sufficiency of the grievance? Suppose that, instead of the Union being complained of by Ireland as injurious to her interests, it had been complained of by England as opposed to her own. Why, by a vote of this and the other House of Parliament, the great majority of both being composed of Englishmen, according to the hon. and learned Gentleman's doctrine, the articles of Union might have been at once overturned. The great security—he meant Scotland and Ireland—the less powerful nations had, was the solemn declaration contained in the respective Treaties, that the Union should be permanent; and that the weaker power should not be at the mercy of the stronger, to annul it whenever the stronger pleased. The hon. and learned Gentleman said, that the Union had been brought about by a system of bribery, corruption, and blood. He admitted, that bribery and corruption had been used; but he denied, that the Union was accomplished by bloodshed, and by exciting rebellion; bribery had existed, but not a civil war. At the time of the Union of Scotland, too, bribery was notorious, for it appeared by a list, which was yet extant, of the bribes given to the nobility, that sums, varying from, 1,100*l.* (the amount given to the Earl of Marchmont) to 11*l.* 5*s.*, were given. Carstairs, an old historian, affirmed, that Lord Banff, who had previously been a Papist, was converted to Protestantism by a small bribe, with a view to secure his interest. If he (Mr. Fergusson) had lived when that Union took place, he would have opposed it, ay, even with his life; but he must now say, that many benefits had been derived by his country from the Union with England, and many benefits had been derived by Ireland. He did not mean to say, that all the good had been done for Ireland that might have been done; but Ireland had not placed herself in a condition to receive from this country the benefits intended for it. One great fault committed by the Government of England was the delay of the great, healing, and necessary measure,—Catholic Emancipation. That measure had been forced on the Government; it was not an act of grace, but was the effect of fear. That had been a great fault. If, a short time after the Union, Catholic Emancipation had been conceded, all agitation would have been anticipated and prevented. But what was the condition of Ireland now? There was, and had been, in that House an inclination to listen willingly to the claims of Ireland, and an anxiety to do all that was possible to promote her interests and to establish her liberties. Reviewing the whole course of the present discussion, he could not but complain of the imputations attempted to be cast upon the Imperial Parliament, on the ground that it was insensible to the wants of Ireland, and regardless of her interests. He could refer with confidence to the whole course of British legislation in support of the assertion, which he unhesitatingly made, that England, since the Union, had ever consulted the interests and the feelings of the Irish people, and had devoted much labour, and more than a due proportion of time, to the affairs and condition of Ireland. The history of that country, in connection with what was called Catholic Emancipation, could not but be fresh in the recollection of hon. Members. They could not but recollect that, during the whole of the discussions on that question, and in every proceeding connected with it, they were told, that the passing of the Act which removed Catholic disabilities would make the British empire to consist of one united people. That indisputably was the representation made, and upon that representation Members of Parliament acted, in giving their consent to a measure which was passed without the slightest intimation being given, that there existed the most remote idea of following up the acquirement of that 'vantage ground with a proposition for what he did not scruple to describe as tantamount to a dismemberment of the empire. Looked upon as a plan for cementing and perpetuating the general bond which kept together the people of the United Kingdom, the measure of Emancipation was agreed to by both Houses, and received the assent of the Crown; but what were they, then, after so short an interval, to say to a proposition for dissolving that Union, which they had made such large sacrifices to preserve? and with what a bad grace did such a proposition come, after thirty-three years of acquiescence! It was well known, that, during the whole of that period, there was not a breath sent forth respecting that dissolution of the Union, which they were now told the people of Ireland had been all along most earnestly desiring. But now that those healing measures had been gained, the hon. and learned Gentleman, and those who acted with him, desired to dissolve the connexion, and to govern themselves. Was it to be supposed, however, that Ireland could govern herself, and continue her connexion with Great Britain? The question was, whether two independent Legislatures could permanently exist under the same Sovereign. The history of Scotland taught important lessons on this subject. There was so strong an analogy between the case of Scotland and that of Ireland, that it was scarcely possible to see the smallest difference between them. The effects which must have resulted to Scotland at the time of the Union, if the Treaty of Union had not been concluded, were precisely those which would inevitably result to Ireland if the Motion of the hon. and learned Member should succeed, and consequently a dissolution of the Union would take place. If Gentlemen would refer to the history of those times, they would find, that when the law passed in this country which secured the succession of the House of Hanover to the Throne of England, an attempt was made to introduce the same law into Scotland. The time was one of great peril. Engaged in foreign war, and vexed with domestic broils, the country was menaced with a disputed succession to the Throne. It was, of course, an object of the highest importance to have the succession which was agreed to in England, adopted by the Scottish Parliament; but that Parliament, thinking that the time was favourable to insist on additional security for the exercise of their independence, passed certain Acts, which would have converted the kingdom almost into a republic,—for one of them declared, that after the death of the Queen, no King of Scotland, being at the same time King of England, should have the power to make war without the consent of Parliament; and that treaties of peace, alliance, and commerce should be concluded by the King, with the consent of the estates of Parliament. They afterwards passed another Act, which provided, that the successor of Queen Anne should be named by the estates, but that such person should not be the successor to the throne of England, unless such conditions of Government should be previously framed, as should secure from English or foreign influence the honour and independence of the kingdom, the freedom, frequency, and authority of Parliament, the religious liberty and trade of the kingdom, with liberty to the estates to add such further conditions of government as should appear to be necessary; that the Commission of the Officers of State and the military commanders should expire with the Sovereign; that the inhabitants of the kingdom should be uniformly trained to arms and discipline, and that, upon the death of the Queen, and until the assembling of Parliament, the Government should be lodged with the Privy Council, and such Members of the Parliament as should then be in Edinburgh. The Act of Security was rejected by Queen Anne; but the Parliament of Scotland sent it back to her Majesty tacked to a Bill of Supply. The wants of the Government were urgent; and without the supply the army must have been disbanded, and the country laid open to foreign invasion. The Act of Security thus tacked to the Bill of Supply received the Royal Assent. The Parliament of England had also passed an Act hostile to Scotland, among other things, prohibiting the importation of cattle, coals, and linen, the staple articles of Scotland. It provided, that, after a certain day, the natives of Scotland, not settled inhabitants of England, should be incapable of inheriting lands in England; putting them thus on the footing of aliens. It was impossible that such a state of things could last. War, attended by the separation, or subjugation of one country to the other, must have ensued, if the Treaty of Union had not taken place. The same result must happen in Ireland if the proposed Repeal should take effect. But the hon. and learned member for Dublin was to guard against these evils by the restraints to be imposed on the power of the Irish Parliament. There was to be a provision that the Parliament of Ireland should not possess the power of altering the succession to the Crown; but of what value could that, or any other limitation of its power be considered, so long as it enjoyed the privilege of stopping the supplies? Why, there was not a man living, unless the victim of party prejudice, who would not acknowledge that the attempt to call any such restraint into practical operation must lead at once to civil war, and that most probably arising in the midst of foreign war. They had heard many and loud complaints against the injustice which had been perpetrated against Ireland; but he would ask, did that House think, that a revival of the Parliament of Ireland, of whose jobbing and tyranny they had heard so many examples, would afford to Ireland so good a chance of substantial justice as they might expect from the Imperial Parliament? Did the Irish people really suppose, that their condition would be improved by a disruption of the empire? He sincerely and conscientiously declared, that he did not believe there could be found an audience to which the people of Ireland could, with so much advantage, address themselves as to the Parliament of the United Kingdom. For the sake of Ireland, then, he should say, let the Union remain undisturbed; but, above all, for the sake of the empire, let it not be broken; for a consent to its dissolution would be nothing less than a signing the death-warrant of the wealth, the glory, and the prosperity of the empire.

Mr. *Ronayne* congratulated the House on the altered tone it had manifested during the progress of the present protracted debate. The patience and the attention with which hon. Gentlemen were permitted to give expression to their sentiments on this important question, augured well for the success of the cause that he and his hon. colleagues had espoused, and, when contrasted with the attempts that were last year made, to shout them down whenever they rose to address the House on subjects connected with Irish interests, gave the strongest indication of the improved feelings and disposition that now actuated those who were opposed to the Repeal of the Legislative Union between this country and Ireland. He would, therefore, prove his gratitude to the House by not trespassing longer on their time than the discharge of the duty he had to perform would allow him; while he stated his reasons for supporting the Motion of the hon. and learned member for Dublin, and opposing the insidious Resolution proposed by the right hon. Gentleman, the Secretary of the Treasury. The hon. Gentleman who had just sat down, had attempted to draw a parallel between the circumstances connected with, and the events that followed, the Union with Scotland, and that of Ireland. He would, on the contrary, show, and he hoped he would be able to prove to the satisfaction of the House, that the cases of the two countries were by no means parallel. He would be pardoned for saying, that at the period of the Union with England, Scotland, as compared with Ireland, had little or nothing to give up. She had no sacrifice to make, for she had nothing of consequence or importance to sacrifice. Her Parliament, if Parliament it could be called, had not the slightest resemblance to the Irish Parliament. Her Government was a confused mixture of oligarchy and monarchy, and any change that would have been made in it must inevitably have proved to be a change for the better. In confirmation of his opinions, he would cite the authority of a writer, which he was confident the hon. Gentleman opposite (Mr. Ferguson) would not be disposed to dispute. He meant the writings of Mr. Dalrymple, a Scotchman. "In Scotland," says Mr. Dalrymple, (an able Scotch writer and the author of an excellent treatise on tenures), "we had little or no commerce; the land property was engrossed by the nobility; and it continued to remain so as long as we had Parliaments; the same cause which raised the Commons in England, in Scotland depressed them; besides, the Lords and Commons sat in one house, and the nation, carried away by the splendour of the former, lost sight of their own Representatives, while the Representatives themselves, imposed on by the same splendour, lost the idea of their own importance. The Commons could set up no distinctions of rights and privileges in a single body, of which they only made a part; and not favoured by the people, they would not favour the people in return." Such was the description which that able writer gave of the Constitution of the Scotch Parliament at the period of the Union. He quoted that authority in reference to the manner in which the Union with Scotland was effected, and, in order to show, that there was no similarity between it and the Irish Union, in preference to the language of Grattan (*clarum et venerabile nomen*), of Plunkett, Bushe, and a host of others, as able and as enlightened men as any country on the face of the earth could boast of. He would read another extract from the same writer, descriptive of the exercise of the elective franchise in Scotland at that period, which demonstrates beyond all doubt, that there could not be any just comparison made between the cases of the two countries at the time of their Union with England. "The number of Scotch electors was insignificant, scarcely amounting to three thousand voters, and the Constitution of Scotland, till incorporated with that of England, was a mixture of monarchy and oligarchy; the nation consisted of an oligarchy, without the privilege of electing their own Representatives; of a gentry, indeed, entitled to represent by election, but unable to serve the nation; and of a nobility which oppressed one and despised both; but now the Union with England has given other rights to our part of the Legislature; has settled us upon that just poise which has rendered the Constitution of England the wonder of mankind." That was the language of an intelligent Scotchman; but there was, besides this extraordinary difference between the situations of Ireland and Scotland, that, in the latter country, the religion of the majority of the people was made the established religion of the country; and, thanks to their courage and resolution, entitling them to the gratitude and admiration of posterity, they refused to contribute to the support of a Church from whose doctrines they conscientiously dissented. If they were told, that by virtue of that parchment bond of Union, the Presbyterian religion should no longer be considered as the religion of the State, and that they must endure the incubus of a Church Establishment, as the learned

Member, the representative of the University of Dublin (Mr. Lefroy) contended that Ireland, by the Articles of Union, must submit to; then, with some plausibility, the parallel sought to be established, might be maintained; but while Ireland has to support an immense Church Establishment—while, of the 8,000,000 of her inhabitants, but 600,000 are Protestant, whose spiritual wants cost the Catholics and Presbyterians a sum of half-a-million of money annually—while these circumstances exist, what analogy can be proved between the cases of the two countries? The way that was taken to make the Union binding upon Ireland was establishing the religion of the minority, and enforcing its maintenance from the property of the majority. And the learned Member said, that from this grievance no redress was to be expected. Another difference between the two countries must not be overlooked—namely, the attempt that was made to force a new creed upon the people. In Scotland, the religious opinions of the majority of the people were respected. In Ireland, the property of the people was confiscated; and unlike the confiscations that have taken place in other countries, the conquerors did not amalgamate with the people, but created and perpetuated divisions and distinctions amongst them. (In elucidation of this position, he would read a short extract from a speech of Mr. Grant, President of the Board of Trade, made on a Motion of Sir John Newport). That right hon. Gentleman said,—'Then came the anti-'Commercial code, and the Anti-Catholic 'code, marching side by side, and com-'bining their strength, for the great object 'of crushing, by the most efficacious 'means, the talent, the industry, the en-'terprize, and the improvement of the 'people.*' Absenteeism was another cause of complaint in Ireland, and much as it injured the interests of Ireland before the Union, the removal of the Parliament greatly aggravated the evil, which was the more grievously felt, since absenteeism was rendered compulsory, instead of being as before voluntary. He would not go so far back in the history of Ireland, as the hon. and learned member for Dublin and the Secretary of the Treasury had done. The right hon. Gentleman amused the House with the recital of the wrongs of the Prince of Brefin. He would refer to more recent events in Irish history, in order to show the grievances the country had endured. He would not cite the authority of any prejudiced individual in his favour, but he would read to them an extract from the authentic history of one, who, in Ireland, was called "the Great," and in English history is celebrated for his talents and acquirements, he alluded to Sir Richard Boyle, the great Earl of Cork. The original was to be had in the Royal Irish Academy, and he hoped he might be heard while he read a few sentences from it, with the attention of those hon. Gentleman, who were so much amused by the account the right hon. Baronet, the member for Tamworth, gave of the supposed practice of the ancient Irish Monarchs' Coronation, which was solemnized, as he said, by bathing him in broth. The letter was addressed to the Earl of Warwick, and was written in the year 1641, from his mansion in Youghal:—"But to return to Ireland, wherein my fortune lies, and wherein I have eaten the most parte of my bread for the last fifty-four years, and have made it a great parte of my study to understand the kingdome and the people in their owne true essence and natures: I doe beseech your lordshipp, believe this great truth from me, that there is not many, (nay, I may more truly say), very few or none, that is a native of Ireland, and of the Romish religion, but he is either publiquely in his action, or privately in his heart, an assistant or welwisher unto it, for this rebellion hath infected all of them, and the contagion thereof is dispersed throughout the kingdom, and as the poyson is generall, soe hath his Majesty and the Parliament a fitt opportunitie offered them, for these their treasons, to roote the Popish partie of the natives out of the kingdome, and to plant it with English Protestants, for soe long as English and Irish Protestants and Papists live here intermingled together, wee can never have firme and assured peace; and his Majestie may now justly interest himselfe in all their lands and confiscations, and have roome enough to plant this kingdome with new English, which will raise him a great revenue, and secure the kingdome to the crowne of England, which it will never be soe long as these Papists have any land here, or are suffered to live therein. And, yf it would please his Majestie, with assent of Parliament, to cause an Act presently to be passed there, to attainte them all of high treason, and to confiscate their lands and estates to the crowne, it would utterly dishearten them, and encourage the English to serve couragiously against them, in hope to be settled in the lands of them they shall kill or otherwise destroy." In England, this hideous project was unattended to, because there they were otherwise employed. In Ireland, however, he pressed it on the Lords Justices, and they, particularly the notorious Parsons, proceeded far towards carrying it into execution. This appears from a letter of the latter to the execrable proposer, dated Dublin, 20th June, 1643, wherein he tells him, "I am of your mind, that a thorow destruction must be made, before we can settle upon a safe peace. I pray you spare none, but indict all of quality or estate. We have done so hereabouts to many thousands, and have already executed some." Such was the language used by this hoary miscreant towards a people from whom he was deriving a splendid subsistence at the time. Such were the measures he recommended to be adopted towards Ireland by the English Government; but their atrocity was so extreme, their injustice so glaring, that even England at that time, however well inclined to cruelty and oppression, could not, with any appearance of decency, act upon the diabolical suggestion. There could be no question of the authenticity of this letter, for the original manuscript, in the handwriting of the great Earl of Cork, was still in existence. It is a fair specimen of the principle upon which English statesmen, English settlers, and English viceroys, acted in those times, and which, though with some occasional mitigation, had been continued to later days. It was a system of confiscation, of rapine, of murder, and of destruction. He sincerely hoped, that the posterity of those men would make reparation for the oppressions and plunder which their ancestors had inflicted upon the Irish people. The writer of that nefarious letter placed as a motto over the entrance to his castle at Lismore, now in the Duke of Devonshire's estate, the words, "God's Providence is our inheritance." What language was this for the wretched miscreant to employ, who, in his letter, recommended the extermination of a whole people! The right hon. Gentleman, wherever he borrowed his epithets, denominated the authorities that were cited in favour of Repeal as trash and nonsense. Surely, the letter he (Mr. *Ronayne*) had just read was deserving of having those elegant phrases applied to it, more than the story with which the right hon. Baronet amused the House, endeavouring, by the relation of his anecdote, to throw ridicule on the question in debate. But where did the right hon. Baronet obtain the information which he communicated to the House on the subject of the ancient coronation of Irish kings? Did the event happen before the Christian era, or after it? He was curious to ascertain the source of the right hon. Baronet's information.—The Union was introduced by the late Lord Castlereagh. At that time a pamphlet was written called "Cease your funning," and attributed, he believed correctly, to the pen of Charles Kendal Bushe, the present Chief Justice of the Court of King's Bench in Ireland. He would read a few extracts from it which were written in the happiest strain of irony :—'That, there is demonstration of 'the utility of the measure from one circumstance—that during the successive 'reigns of various viceroys, no English Secretary had ever the public spirit to propose this important resolution, but that 'as soon as an amiable young nobleman 'of our own nation assumed the reigns of 'Government, the first measure of his administration was the salvation of his 'country. Lord Castlereagh, uninfluenced 'by the selfish examples of his English 'predecessors, felt the Irish blood running 'in his veins, and determined it should never 'blush in his face—his country and posterity will do him justice.' The same observation would apply at the present time. He is an Irishman or West Briton —as he chooses to call himself—who is the first to propose that the Union with England shall be maintained inviolable; and he is an Irishman, a very amiable young gentleman, indeed, that has been procured to second the Motion. That amiable young gentleman had thought it becoming in him to abuse all those who were in favour of Repeal in that House. In that excellent speech of his, which is printed, is one of the most astonishing specimens of accurate reporting he had ever beheld. That hon. Gentleman, according to the present fashion, had indulged in much abuse, and vulgar invective, of those who were opposed to him in politics. His allusions to the hon. member for Dublin were received with shouts of laughter and cheers by the English Gentlemen; but he was strongly of the opinion, that if a certain vow had not been registered in heaven, hon. Gentlemen would not be so extremely ready to offer these personal insults. The hon. member for Belfast calls us itinerant agitators and interested demagogues. This language coming from him is hardly tolerable, especially when one reflects upon the former opinions expressed by that Gentleman, and which the hon. and learned member for Cork (Mr. O'Connor) had so forcibly referred to during the present debate. In his former speeches the hon. Member denounced the pampered prelacy and overgrown Church Establishment; and now he was the advocate of all the abuses that had been inflicted upon Ireland by English misrule. He had said—'When men will ask us 'what we wish to accomplish by Reform, 'let us point to the achievements of a 'Washington—let us show them a country 'free from that insidious remnant of a 'darker age, a pampered prelacy and a 'domineering Church Establishment. Let 'us show them men who scorn to intrust 'their liberties to the guardianship of hereditary legislators—who have cut off 'from their constitution the incubus of a 'second estate, and who can protect their 'property without the assistance of a 'race of

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* Hansard (new series) vi. p. 1517.

Tenth transmitters of a foolish face.

'Let us point out to a people who spurn 'the idea of impoverishing nine younger 'brothers, to confer a name and an inheritance upon the tenth, who can boast of 'no other precedency than the accident of 'priority at his birth—a people who own 'no distinction of blood, and who worship 'no aristocracy save that of virtue and 'talent.' No itinerant agitator or demagogue ever used such violent democratic language as that. He knew not what had occurred since, to produce so great a change in the hon. Member's opinions. In early life he understood that hon. Gentleman went to Greece. Those at all acquainted with the literature of the day must have read his History of Greece, and his Letters from the Ægean. What, then, had occurred since, to change the hon. Gentleman's opinions? His writings and his speeches breathed a spirit of independence that was to be looked for in vain in his present harangues. Probably, in his anxiety to accommodate himself to the circumstances and the company in which he may be placed, he had taken for his model that poet whom Lord Byron describes in Don Juan. He was a man—

——— Who had seen many changes,
And always changed as true as any needle—
His polar star being one that rather ranges,
And not the fixed. He knew the way to wheedle:
Thus, usually, when he was asked to sing,
He gave the different nations something national—
'Twas all the same to him, 'God save the King'
Or 'Ca ira,' according to the fashion all.

That hon. Gentleman had said, that the enemies of the Union were Roman Catholics. Was Sir Richard Musgrave a Catholic? Was Sharman Crawford a Catholic? Was Mr. Ensor a Catholic? Was Lord Mountgarret a Catholic? Were the sons of the illustrious Grattan—were all the Gentlemen around him, Catholics? The assertion was idle, and only calculated to give a sectarian hue to a question, that should be discussed without any intermixture of religious animosity. The hon. Gentleman had also said, and boasted, that, instead of being a Representative of Ireland and Irish interests alone, he had been enabled to loose the chains of the Hindoo, and to deliberate upon the affairs of the empire at large. He had read for the House the authority of Dr. Duigenan, and next the writings of Theobald M'Kenna. The latter got a pension for the pamphlet, which his family enjoyed to the present hour. These were the authorities from which the extracts the hon. Member read in favour of the Union, were obtained. He would not go into the calculations that other hon. Gentleman had discussed. He would content himself by the simple and undeniable statement, that, from the year 1792, when the Irish revenue was only 1,100,000*l.*, it increased, in the course of seven years, to 3,000,000*l.* What was the state of the revenue now, at this distant period from the Union? By the tables laid before the House, the amount of the revenue for the past year is only 3,800,000*l.* Such was the increase within the short period of seven years antecedent to the Union, while the grand result of all the boasted benefits of an Union of thirty-four years' duration was, that the revenues of Ireland did not, within the latest period, amount to more than 3,800,000*l.* He did not concur entirely in the opinion of those who decried figures, although he agreed with a distinguished countryman of his, who, on the very same subject, had said "Woe to the man or the million who can calculate the profit or the loss of the sale of their country. The man must have the heart of a monster, and the million must be doomed to wander about the world without the honour or the happiness of a home." He agreed with that authority, and echoed, woe to the man who would test the value of his country, and estimate its merits, by any statements of figures. The Irish people were not inferior to any people on the face of the globe, in mental or physical endowments—no country was superior to Ireland in soil or climate—why, then, should she be the most impoverished country under heaven, and her population the most destitute? The right hon. baronet, the member for Tamworth (Sir R. Peel) in opposing this Motion. took the most manly and English mode of resisting it. He scorned to delude the people by attempting to prove, that they were better off now than before the Union. He disdained to practise such a delusion, but boldly contended that the Union must be upheld. The Irish were treated in a domineering, overbearing manner. A spirit of domination was on every subject manifested towards their country. Their taxes were to be continued, and however unjust their proportion of them might be, they were told, that Ireland was an integral part of the empire, and must be kept in subjection. It was precisely the same spirit that dictated the answers given to Benjamin Franklin, when he remonstrated upon the injustice the American colonies had experienced from the tyranny of the mother country. The result of that contemptuous treatment was too well known to require further explanation. What once was done might be done again and he would therefore admonish the House not to afford occasion to the people of Ireland to remember so fatal a precedent. The threat he now used did not originate with him; it came from the lips of the Secretary of the Treasury. The language of that right hon. Gentleman, however, was different then from what it was now. He was then an Irishman, he had since become a West Briton. Here the hon. Gentleman read an extract from a pamphlet published by Mr. Spring Rice, when member for Limerick. Such was the character given by Mr. Spring Rice in speaking of the Parliament of England, of the misgovernment of Ireland; such was his opinion then of the Constitution of 1782. He agreed with the right hon. Gentleman, that despair was more dangerous than discussion. The hon. Gentleman had amused them with a history of the job family. The subject had acquired a most fit and competent historian, and he felt sure, that if the work should ever undergo a second edition the right hon. Gentleman's parliamentary life and official experience would enable him to publish it with many most useful emendations and additions. But when the right hon. Gentleman was so lavish of his abuse of the Irish Parliament, how did it happen that he omitted to mention the delinquencies that had been committed under the Imperial Parliament? He did not say a word about the Rideau Canal, or the martello towers in Ireland, nor of the foolish expenditure of the public money for the formation of the batteries at the Cove of Cork. He forgot all them, and reserved his attacks for the Irish Parliament alone. The right hon. Secretary also forgot to mention the immense sums of money appropriated to the building of new churches in Ireland, for which there was not the slightest necessity. The people of Ireland, it was objected, had been in the habit of using strong language. That might be the case. He would speak out plainly in that House, as he had not, as in Ireland, the fear of a Whig Attorney-General before him. The Secretary of Ireland might pass his Coercion Bills; but he would tell the right hon. Secretary, they would be ineffectual for the continuance of the tithe system. The Tithe Composition Bill was grossly unjust towards Ireland; its effect was, to increase the ecclesiastical revenues; and, in Waterford, it extended and doubled the income of the lay impropriators—it injured vested interests; and those whose lands had been tithe free for centuries past, were now most heavily taxed. The people looked upon the Church Establishment as not intended for the maintenance of religion, or the spiritual comfort of the people, but as affording an opportunity for the gratification and support of the junior branches of the families of the English gentry. The Government might attempt to coerce the people; but he would tell his Majesty's Ministers, that tithes, in no shape or form whatever, would be submitted to any longer in Ireland. The Irish people were not such dolts as to be deluded by the flimsy pretext, that, because the name of tithes was altered, the grievance was more easy to be endured. It was an imposition on them to be obliged to support the clergymen of a creed in which they did not believe, and they would not be the dupes of it any longer. For his own part he did not hesitate to say, both here and in Ireland, that as long as tithes were imposed upon the people, he would resist the payment of them. They might pass their laws enforcing the collection of tithes —he would not obey them—there were many others he knew who would not obey them. They would not rise in arms against the law, but they would only yield to it as long as they could not help it [*Laughter.*] Yes, he repeated, however hon. Gentlemen might laugh, that the submission he would give to such a law would be precisely the same as that he would give to a bandit who would place him in the awkward alternative, either to deliver up his purse or his life. The right hon. the Secretary of the Treasury, when on this side of the House, expressed strong opinions on the conduct of England towards Ireland, though he now seemed to have forgotten the state of Ireland. He would next refer to the insidious attempt made by the right hon. Gentleman to obtain the sanction of Parliament to all the acts of the mis-government of Ireland. He was not to be contented by having a direct negative to the Motion of the hon. and learned member for Dublin, but must have in addition the approbation of the House to all the acts of the English Government towards Ireland. The language which the right hon. Gentleman had used in 1822, was widely different from what he now employed. If that authority were not sufficient, he would read a Letter from a nobleman, who held a high situation in Ireland—he meant the Marquess of Anglesey. That distinguished personage's Letter would, no doubt, be found in the bureau; and probably the hon. Gentleman would recognize in the passage he would read, something that might prove useful to him. In that Letter was this passage :—'These 'concurring causes which diffuse through 'this country a spirit of disquiet and distrust in the authorities, and which, if not 'removed, threaten before long to leave 'the King's Government in Ireland without any party but the King's troops. I 'am aware of the composition and temper 'of the House of Lords. I know, that 'the times have passed when the will 'of the Minister could determine the acts 'of the Legislature. Still I cannot refrain from urging on the attention of my 'colleagues the claims of this suffering 'and too long neglected country, to a participation in the benefit of that enlightened policy which has already conferred so much upon other parts of the 'empire. I greatly fear, that it will be 'now too late to remedy these evils, because we shall be found to have overlooked, in the licentious exhibitions of 'the national discontent, the proper remedies for the evils from which it springs; 'because even now, and while I write, 'the Irish people are calling too vehemently, I admit, for healing measures— 'I am unable to answer them by any 'other law than the Riot Act upon the 'point of the bayonet.' Who wrote that? Not an Irish agitator, or a furious demagogue, as the hon. member for Belfast (Mr. Tennent) would have it. No, it was the most noble the Marquess of Anglesey. With this evidence before the House of the conduct of the Imperial Parliament to Ireland—with the language of the Secretary of the Treasury before it—could they be asked with any consistency to give their approbation to all the measures of his Majesty's Government? He implored the House not to sanction the acts of the Government, by acceding to the right hon. Gentleman's Amendment. The Union had hitherto proved most ruinous to Ireland, and the maintenance of an enormous Church Establishment had been the cause of the greatest re-action, heart-burning, and annoyance. That Union so called, as "*Lucus a non lucendo*," "a Union from never uniting," which in its first operation gave a death-blow to the independence of Ireland, and in its last, might be the cause of her eternal separation from this country. If it must be called a Union, it was the union of the shark with its prey; the spoiler swallowed up his victim, and thus they became one and indivisible. Such a system was not consistent with justice; and it was contrary to every principle of common honesty, that 7,500,000 people should be called upon to support the clergy of about half-a-million of population. It must not be thought, that the people of Ireland were so stupified by insult and injury, that they would longer submit quietly and patiently. They had, he contended, a perfect right to relieve themselves from such an unjust state of things, as soon as an opportunity offered. The people of Ireland, though oppressed, were sensitive to injustice, and would never submit to be subjugated. He begged, in conclusion, to remind the House, that though liberty had been extinguished in Ireland, the love of it still animated the people, and that they, though grossly oppressed, had a spirit which would not be subdued—

No—they have as hearts that never, never,
Will stoop to be the Moslem's slaves,
While Heaven has light, or Earth has graves.

Colonel *Torrens* rose, amidst cries of question. Protracted as the debate had been, and exhausted as were all the topics it involved, he would compress, he said, within the narrowest compass possible his observations upon this important question. He was opposed to the Repeal of the Legislative Union, because it would lead to a dismemberment of the empire, and because dismemberment would aggravate, not relieve, the evils of Ireland, while it lowered England from her high estate. The advocates of Repeal contended, that a Repeal of the Union would remove the evil of absenteeism. He (Colonel Torrens) fully admitted, that absenteeism was an evil, but he maintained, that it was an evil which Repeal could not alleviate. Ireland had two classes of absentees—she had the absentee proprietors, whose rents being remitted in corn and other provisions, diminished the supply of food at home; and she had absentee labourers, who obtained their subsistence in England, and thus diminished the consumption of food at home. In taking a comprehensive view of the whole question of absenteeism, it was necessary to consider whether the quantity of food sent out of the country was greater or less than the quantity requisite to subsist the absentee labourers. Should these two quantities be equal, they would neutralize the effects of each other; the balance between population and subsistence would remain undisturbed, for the quantity of food remitted as the rent of absentee proprietors being equivalent to the consumption of the absentee labourers, the proportion between the numbers to be fed, and the funds applicable to their maintenance would be exactly the same. In the deficiency of statistical knowledge, it would be difficult to determine with accuracy the proportion between the quantity of food remitted as absentee rent, and the quantity consumed by absentee labourers. These quantities must be nearly equal, and in that case absenteeism taken as a whole, could have no effect in causing the calamity so frequently experienced in Ireland of famine in the midst of abundance. But whatever the evils of absenteeism, Repeal could not remove them. What would be the consequence to the people of Ireland of keeping both classes of the absentees at home? If the Union were repealed, and if the Irish Parliament were to impose an absentee-tax, compelling her proprietors to remain at home, the English Parliament would not be backward in protecting the English labour market, and the English poor-rate, from Irish inundation. Ireland would thus have the full benefit of retaining within her own shores both her proprietors and her population; and it was for her advocates of Repeal to calculate the extent of the benefit which this double retention would confer. In the first place the residence of the proprietors of the soil could have no perceptible effect in preventing the exportation of the produce of the soil. With the exception of the small quantity of food consumed by the returned absentees and their domestics, Irish agricultural produce would be exported as before. But mark the overpowering drawback which must accompany this advantage. The same quantity of food would be sent out of the country, while a greater number of mouths would be retained at home, where no increase either of employment or of food had been created. The merchants and the shop-keepers would indeed have some increase of business and of profits, but the masses and the millions would be in greater destitution than before. No; the advocates of Repeal would contend, an independent Irish Parliament would not permit the exportation of provisions while the people were inadequately supplied; a domestic Legislature would protect domestic industry, and Irish manufactures would spring up beneath the fostering wing of an anti-British tariff. Be it so; but would England not retaliate? And would the agriculture of Ireland flourish when the ports of Britain were closed against her? When the Irish cultivator lost his exclusive privilege in supplying the British market, the value of Irish agricultural produce would fall one-half, while the protecting duty imposed upon British fabrics would raise the value of manufactured goods in the Irish market. "So much the better," the economists in the Irish Parliament might exclaim, "cheap food, and dear manufactured goods, afford the best possible encouragement to domestic manufactures." But the important question would be, did such a state of things afford the best possible encouragement to domestic agriculture? To raise the value of manufactured articles in relation to the products of agriculture was to interdict the cultivation of certain qualities of soil, to diminish the supply of human sustenance, and to occasion a universal fall in the amount of wages, of profits, and of rents. The House would immediately perceive in what manner this downward march would be conducted. In pursuing his occupation the cultivator of the soil must expend clothing, and furniture, and implements, as well as food and seed. An increase in the value of clothing, furniture, and implements was, therefore, the same thing as an increase in the cost of cultivating the soil, and must cause all the land which could not afford this increased cost to be abandoned. A belt of land would be thrown out of cultivation; there would be a fall of rent throughout the country, to the extent of several bushels per acre. The industry of the towns would decrease in the same proportion as the industry of the country; for less food being raised, fewer artisans and traders could be maintained. From what he had now ventured to state, it would be apparent, that for the evils afflicting Ireland, a Repeal of the legislative Union was not the appropriate remedy. Such Repeal, even if followed up by an absentee-tax, could not have the effect of preventing the exportation of the produce of the soil, or of altering the proportion between food and population in favour of the people. It would have an effect quite the other way. At least half a million of persons now employed and subsisted in Britain would be returned upon Ireland, there to become competitors for a supply of food not increased in quantity, so that the share of each, however scanty and miserable at present, would become more scanty and more miserable after the Repeal. A system of protecting duties, interrupting free trade, would render the condition of the people still worse. It might be effectual in preventing the exportation of food; but then it would prove still more effectual in preventing the production of food. The value of agricultural produce would fall, while the value of all the manufactured articles employed in agriculture would rise; and these two causes, operating in conjunction, would render it impossible to cultivate extensive belts of land now under tillage. Thus there would be less employment and less food, while there would be more people to be employed and to be fed; until famine, the repealer's famine, brought down the population to the level to which the repealer would reduce the productive resources of his country. He could easily illustrate and enforce these propositions, which to him appeared most important, but at that late hour, and exhausted as the House must be, he would venture no longer to intrude. He would, conclude, imploring his hon. friends, the members from Ireland, attentively and patiently to consider the effects of a Repeal of the Union upon rents and profits, and wages and employment, before they again pressed that measure upon Parliament.

Sir *Hussey Vivian:* At this late hour of the night I am extremely reluctant to trespass upon the attention of the House; nor should I do so, were it not that holding the situation I do in Ireland, with the knowledge of that country my residence in it has given me an opportunity of acquiring, and having paid much attention to the bearings of the question now before us, I should almost deem it a dereliction of duty were I to refrain from making a few observations in reply to some which have fallen from hon. Members who have spoken in favour of the Repeal of the Legislative Union. In approaching the consideration of this question, I hope I need not disclaim being influenced by any of those anti-Irish principles with which it is too common to charge those who are not disposed to concur in all the measures which some of those Gentlemen who advocate Repeal think necessary. I hope, also, it is not necessary for me to disclaim, in referring to individuals, (which it is impossible to discuss this question without doing) any intention of giving personal offence—an intention at all times as foreign to my principles, as any feelings other than those of the utmost kindness towards the people of Ireland, are foreign to my heart. I have lived long enough in Ireland to feel a deep and a warm interest in the happiness of its people, and I am ready to go as far as any one in endeavouring to promote their prosperity; but I confess I have not yet seen anything to make me believe that such would be the effect of the Repeal of the Union. It has been said, Sir, that the interests of Ireland are not sufficiently attended to in this House. The discussion on this question, and the manner in which it has been conducted, I think afford a full and perfect reply to this charge against us. If I were to find a fault it would be, that the question has been discussed too much as if it concerned Ireland alone. Now, for my part, I consider the interests of the two countries to be so completely linked, and I may say dove-tailed together, that the one cannot flourish whilst the other fades. The right hon. member for Tamworth, in his able, argumentative, convincing, and unanswerable speech, put the question on its proper ground, when he said that it really amounted to a question of the dismemberment of the empire. The hon. member for Waterford called Ireland the right arm of England. In this description he was perfectly correct; but as I never understood that separating the right arm from the body, could do the body any good, whilst it is certain to produce the destruction of the amputated limb—I find an argument against Repeal in the very one the hon. Member advanced in favour of it. I will now, as briefly as possible, reply to some of those complaints that have been made against English Government, and endeavour to shew, that however the evils complained of may exist in Ireland, it is not in consequence of the Union, or of English Legislation, they have arisen. The enactment of the Coercion Bill is complained of—the poverty of the people of Ireland is attributed to us—we are charged with causing the extensive emigration which annually takes place—we are told, British capital does not flow in, as promised at the Union—and lastly, we are told by the hon. member for Cork, that we have occasioned the ruin of the manufactures of that city. First, then, as to the Coercion Bill, which has been so much dwelt upon, I will not now enter into a discussion of the question whether it was necessary or not. During its progress through this House, that was fully gone into, and the necessity, I think, fully proved. I am, as much as any hon. Member in this House, an enemy to the enactment of all such penal laws. Nothing but the last necessity—the protection of person and property—can justify them. That necessity was considered to have arisen; and there can be no doubt, that the passing of that Bill has been attended with the best possible consequences; and I believe it has not been abused in a single instance. In Kilkenny, its operations have been attended with the best effects, by putting a stop to that passive resistance which to borrow from the eloquent language of the noble Lord at the head of the Irish Government, might more properly be termed fraudulent treason, and that system of outrage which had risen almost to open rebellion. Up to this time, Sir, the application of the Coercion Bill has been confined to Kilkenny,—it has now been applied also to four baronies of the King's County, in which outrage had arisen to the most alarming extent; 74 cases having been reported in the month of March, and many others it is well known were not reported, owing to the state of terror in which the people were placed by the midnight robber and the assassin. It is here then also, that for the protection of the innocent and the unoffending, the power under this law is taken advantage of; and as I defy any hon. Member opposite to state a single instance in which oppression has yet been exercised under it, so also do I feel fully confident will the future proceedings of those who have to carry it into effect be governed by the same principles. With respect to the poverty of Ireland, there are few who have had more opportunities of inquiring into it, and who, consequently, are more competent to bear testimony to it than I am. Constantly have I visited the wretched cabins of the peasantry, and the more than wretched dwellings of the manufacturer; and I am ready to admit, that there is not, on the face of the earth, a people who, to judge from the scenes that have thus been presented to me, are suffering under a greater degree of destitution than the Irish of the lower classes. I admit, then, their wretchedness to the fullest extent to which it has been described by any of the hon. Members opposite; but is this to be attributed to the Union, and to English legislation? I deny that it is so;—it does not arise out of Legislation, nor can legislation alone provide the remedy. I will not attempt to go into an explanation of the cause, for fear, in so doing, I might most unintentionally give offence to the gentlemen of Ireland, and I am quite ready to acknowledge they exert themselves to get rid of the misery of the people, as far as it comes within their observation; but it is well known, there are thousands and tens of thousands of these poor creatures, who, residing far away from those under whom they hold their dwellings, never can experience the advantages of that active benevolence which, under other circumstances, would no doubt be excited in their favour. But again I repeat, it is not the Union that has placed them in this unhappy situation; nor would the Repeal of the Union relieve them from their distress. The poverty of the lower classes in Ireland is spoken of as having existed long before the Union, and with the permission of the House, I will read an extract from a work published in 1779, entitled "The Commercial Restraints of Ireland." It is this:—'Notwithstanding 'the success of the linen trade, the bulk 'of our people have always continued 'poor, and in a great many seasons have 'wanted food. Can the history of any 'other fruitful country on the face of the 'globe, enjoying peace for four-score 'years, produce so many recorded in'stances of the poverty and wretchedness, 'and of the reiterated want and misery of 'the lower order of the people? There 'is no such example in ancient or modern 'history. If the ineffectual endeavours 'by the representatives of these poor 'people to give them employment or food, 'had not left sufficient memorials of their 'wretchedness—if their habitations, ap'parel, and food, were not sufficient 'proofs, I should appeal to the human 'countenance for my voucher, and rest the 'evidence on that hopeless despondency 'that hangs on the brow of unemployed 'industry.' This then, Sir, I say, proves that the poverty and wretchedness of the people do not originate in the Union. That it does exist, however, to the greatest possible extent, I have already admitted; and, without being prepared to advocate the introduction of Poor-laws, the difficulty attending which I well know to be very great, I am quite ready to acknowledge the double necessity of some step being taken in behalf of the distressed and destitute of the lower classes: and I rejoice, that the subject is at this time under the consideration of commissioners appointed to inquire into it. From this inquiry I hope some means of providing employment for the able, and food for the helpless, will arise; at present there are thousands—aye and tens of thousands—who are daily supported by the charity of those who are but ill able themselves, to afford such support. The next point to which I shall refer is that of emigration. The hon. and learned member for Dublin asked, why 90,000 men should emigrate from Ireland, whilst only 40,000 left England and 20,000 Scotland? This, I confess at the time, I thought was rather tender ground for the hon. and learned Member to tread upon; for without intending to give him offence, I must tell him, that the extent of emigration is, in a great degree, to be attributed to his own proceedings. He assumes to himself the character of an agitator; indeed, he admits, that he is the head and front of agitation: at the same time, however, I am aware that he has earnestly called on the people to preserve peace. Passive resistance has been his doctrine; and, in all his speeches, and in all his letters, he has pressed this on them in the strongest possible terms. But it is easier to raise the storm than to allay it: out of agitation has arisen outrage, and outrage has driven thousands to emigration: thousands have been driven by fear to quit their country, not knowing how soon that dreadful fate, which, in too many instances, had befallen their friends and their neighbours, might attend them; and thousands have fled in order to escape that punishment which the violated laws of their country would have awarded to their crimes. Sir, I am as great an enemy to emigration as the hon. member for Dublin himself is; and this is no new feeling on my part. On a question on the state of the nation some years since, I expressed in this House a very strong opinion on this point; nor have I since ever seen the slightest reason to depart from it. With thousands of uncultivated acres within the United Kingdom, I never could see any reason why so many of our best peasantry should fly for maintenance to a foreign land; nor can I ever admit the necessity, until every acre is cultivated like a garden. Another ground of complaint has been, that British capital has not flowed into Ireland, as was promised by the Union; but why has it not done so? It is the agitation of the country that has prevented, and must continue to prevent, capital flowing into it. It is the perpetration of crimes which I will not detail, because I hope they will not again afflict the country, that renders capitalists unwilling to vest their property either in manufactures or in land in Ireland. The murders that have taken place of agents and of bailiffs—crimes that I trust in God may never be repeated—fully explain the cause why capital has not flowed in; but for this, looking to the ready means of communication with England—looking to the fertility of the soil of Ireland—there is every reason why money to any extent should be laid out in lands, and indeed in manufactories also, in Ireland. No speculation could be better; but, in order to encourage this, security to property and to persons must be assured. Where a man cannot let his land to those he considers would be the best tenants, or employ under him those he deems best calculated to promote his interests, he will not lay out his money. Hence, then, British capital has not flowed into Ireland to an extent calculated on, and, perhaps, even promised, at the time of the Union. The hon. member for Cork, who spoke on Friday night, gave a sad detail of the decay of manufactures in the city he represents. This may, perhaps, as he states, have arisen from the competition with the English manufacturer; but does he imagine that the Repeal of the Union would re-establish those manufactures? Does he imagine, that a law of an Irish Parliament, to exclude British manufactures would be productive of advantage to the people of Ireland? Does he desire to make them pay at a dear rate for those articles they now receive at a cheap rate? Does he think this will make them generally richer and more prosperous? If, Sir, British manufactures are not to be excluded, the only other way of giving employment to the Irish manufacturers is, by so reducing the cost of production as to make a cheaper article than the workman on this side of the Channel. Will a reduced rate of wages, and a reduced price of provisions benefit Ireland? Exclusion of British goods would be met by retaliation and a reduction in the price of provisions (for that would be necessary in order to enable the Irish manufacturer to work cheaper than the British) would contribute only to increase the distress already complained of. I will now proceed to state the grounds on which I think a Repeal of the Union would be infinitely injurious both to Ireland and to England. The object of the hon. Member who moved this question, is to obtain a domestic Parliament; but what Parliament would he have?—The Parliament of 1800, or a Reformed Parliament? If the Parliament of 1800 (and this Ireland should have, if the argument of the hon. Member, that the Union is not valid is a good one), then it is clear you have a Parliament by which Protestant ascendancy will be re-established—if a Reformed Parliament, the predominance will fall into the other scale, and a religious party, with strong feelings of hostility to another, will govern the country. The difference will be, that instead of a Parliament exclusively Protestant, there would be a Parliament, of which a large majority would be Catholic; and the party spirit already existing to an extent so destructive to the best interests of the country, would be so fostered and encouraged, that a state of things would inevitably arise infinitely more injurious than anything complained of in the old Government of Ireland. The hon. and learned member for Dublin is perfectly aware of the effect of party spirit in such a Parliament. In his letter to the Protestants of Ireland, in order to induce them to join in obtaining Repeal, I find this sentence:—'I should, 'therefore, finally insist, that the Act of 'Repeal should be based on this express 'condition—that there should be perpetually in Ireland an equality of civil 'rights, privileges, and franchises, to persons of all creeds, sects, persuasions, and 'religions; that this equality should be 'placed for perpetual preservation, under 'the protection of the King, and also of 'the British Parliament; that the Irish 'Parliament should be declared incompetent to infringe this equality by any 'law, directly or indirectly; that any attempt to violate that equality, or to introduce or sanction any religious ascendancy whatever, should cause the proposer, and every supporter, to incur a '*præmunire*, and forfeit his lands and 'tenements, goods, and chattels, and be 'liable to imprisonment for life, in England or elsewhere in the British dominions out of Ireland.' I am no advocate, Sir, for suppressing discussion. On the contrary, I am for fair and open discussion being permitted on all subjects; but if I were disposed to make an exception—looking to the consequences that arise out of the agitation on this question—looking to the mischief occasioned by it—I confess, that I should not be sorry if some hon. Member, taking a leaf from out of the book of the hon. and learned Gentleman who makes this Motion, would bring forward a proposal similar to that which I have just read, and that any one hereafter pressing the Repeal of the Union, should be subject to those very penalties the hon. Member would render applicable to those who might attempt to violate the law under which the Union, if his measures are to be carried into effect, is to be repealed [" *Hear, hear!*"]. I am obliged to the hon. and learned Member (Mr. O'Connell) for his cheers; I perfectly understand them. I have no doubt the enactment of such a law would be very much objected to by the hon. Member; but, at least, he cannot deny the competency of this House to pass it. If, in the one case, it is competent in him to propose, and the House to enact, the penalties of the *præmunire* on any man who should endeavour to subvert his law for Repealing the Union, and maintaining equality of rights, it must be equally competent to this Parliament to enact such penalties against any man who shall propose the Repeal itself. This, at any rate, is the means by which he proposes to check party spirit in his Irish Parliament—it is an admission, on his part, of the extent to which he considers it would exist. But how would such a law really operate?—would it produce the desired effect? Suppose the Parliament assembled in College Green, and a motion made, which would go to overturn this law of equality, and have the effect of giving some advantage to the one party or the other; the hon. and learned Member would, I have no doubt, in consistency and good faith, rise and object to it, upon the ground, that its discussion was prohibited by the Repeal Act. But might not another Member, less scrupulous, rise, and, backed by the 50,000 "rollicking blades" from without (the hon. Member's own term, if I mistake not, applied on one occasion to his friends and supporters), with their "short sticks," tell the hon. and learned Member, that he had declared the Union an invalid Act, and, consequently, that any laws emanating from the Imperial Parliament were invalid, and thus succeed in overthrowing the Protestant interests, and establishing Catholic ascendancy? Having already granted Catholic Emancipation as an act of justice to an oppressed class of our fellow-subjects, we should then be called on to step in, and exert our power, and extend Protestant Emancipation to a class that would be still more oppressed. It has often been said, that the affairs of a Government should be managed on the same principles as those of individuals. Now, when two persons quarrel, a mutual friend best settles their differences—and the same may be said of the parties which divide Ireland. The Imperial Parliament is their mutual friend, and so far from not being in a situation to legislate for the people of Ireland, I should say, assisted by the acknowledged talents of the Representatives of that country, it is peculiarly calculated to become the mediator between the conflicting interests by which it is unhappily distracted. There are many questions on which differences would inevitably arise between an Irish and a British Parliament. There is the question of the Church, for example. I am not going to enter into the tithe question—already have I expressed a strong opinion that I consider it unfair, that persons professing one religion, should be called upon to support the Ministers of another, and therefore I have always advocated the abolition of tithes through the medium of an equitable commutation. But would a Parliament in College-Green stop at commutation? Has not extinction been construed to mean spoliation? And would it not rather propose to abolish tithes altogether, forgetful that that would be the destruction of a property, the existence of which no one has yet been hardy enough to deny, and to which the proprietors of the land, who would alone be benefited by it, have, in law or in justice, no right whatever, they having either inherited or purchased their estates subject to this charge? That the hon. and learned member for Dublin wishes to overthrow the Church, there can be no doubt; for, in a letter of his, he says—"One of my great objects is, for the good of Ireland, the depriving the Established Church, by legal enactments, of its enormous and oppressive temporalities." It is not difficult, then, to foresee what would be one of the Irish measures of a Parliament assembled on College-Green; and if such a law were attempted to be carried, the British Government would be obliged to interfere, unless some fair and equitable means of commutation were proposed; and we know the tenacity with which, in this House, hon. Members opposite have, as yet, objected to any measure intended to effect this.

Another question on which differences between the two Parliaments must arise, would be that of absenteeism. We know the hon. member for Dublin proposes the imposition of an absentee tax. In a free country, is it possible so to legislate, or if it were possible, would an absentee tax make Ireland more prosperous? Certainly not. It is already a great misfortune for Ireland that the link which binds her to this country is not tight enough—that the intercourse between the two countries is not great enough. So far, then, from encouraging the intercourse, an absentee tax would tend to prevent it—so far from causing capital to flow into it, it would act as an exclusion to the purchase of a single acre in Ireland by any Englishman, and it would go to the confiscation of the property of all those who now possessing any in Ireland have property also in England. There is no reason, naturally, why capital should not go to Ireland as well as to Yorkshire; on the contrary, there is every reason why it should go there, were it not for the unhappy state of the country; but an absentee tax would crown the difficulties which already prevent it. The hon. and learned Member, if his scheme is good for anything, must shut Ireland out from all the rest of the world, and this really appears to me to be his object. He says, that the export of the produce of the soil is injurious to the country, and at one of the parish meetings in Dublin, after describing the loss of one of the steam-boats in that glowing and forcible language of which he is so perfect a master, he exclaimed—'Oh God! it is 'an afflicting calamity, but there is this 'circumstance to be noted, that the passengers were going over to dispose of 'a quantity of live stock which they had 'with them. In what service were they 'lost? In the service of the absentees of 'Ireland; but even if they had arrived in 'England, they were equally lost to this 'country. It was no advantage to this 'country if they went over safe—they 'equally perished for them, and no remuneration would come back to Ireland, 'and frightful as was the calamity, it was 'the same to Ireland; it was equally a 'robbery on this country.' I confess I was somewhat surprised in these days, when the science of political economy is so well understood, to find such opinions emanate from a man of such superior talents. I differ entirely from the hon. Member, for although I lament absenteeism, and am aware of all its bad effects, I cannot believe, that in a pecuniary point of view it is injurious to the extent he has described. It is clear that a farmer who is generally supposed to make three rents on his estate, must bring back from the produce of the sale a large proportion, which must be employed in the payment of the wages of labour to cultivate the land. I am not, therefore, one of those who like the hon. Member would wish altogether to do away with the export of agricultural produce from Ireland. The bad effects of such a system would, I apprehend, soon be discovered and complained of; nor would the hon. Member himself, I believe, really act upon the principles thus expressed, were he in an Irish House of Commons, and I cannot but observe on their inconsistency, when I recollect that the falling-off of the Irish commerce is one of the complaints so constantly reiterated by the hon. Member as an effect of the Union. Other questions would inevitably arise between the two Parliaments, which would lead to differences, the certain consequences of which would be either subjection or separation.

In short, Sir, whether we look at the question in a political, a military, or a commercial point of view, the Repeal of the Union appears fraught with infinite danger. In a political point of view, Ireland, with a separate Legislature, would be exposed to the endless intrigues of foreigners. In a military point of view, this inconvenience would arise, that Ireland, with an independent Parliament, would have a right to say whether she would or would not go to war when England did, and if she hesitated to do so, the ports of Ireland would be open to the ships of an enemy: would this be permitted or submitted to? and if not, where is the independence of the Irish Parliament or of Ireland? The hon. and learned Member says, that he wishes to maintain a federal union with this country; but the tendency of his language, out-of-doors at least, leads directly to separation; why else has he enumerated the various independent small states of Europe, and compared their state with the state of Ireland? If Ireland were independent, if she were to claim a right to neutrality whilst we were at war, what would become of the trade of England? What would become of the interests of that great emporium of our commerce, that city second only to the metropolis, and fast rising into rivalry with it, if the enemies of England were enabled to sally from the Irish ports, and make prizes of its richest freights? The measure, then, of the Repeal of the Union is impossible—it is impracticable, and were it practicable, it would lead to the worst possible consequences, it would lead to the destruction of a mighty empire, to the annihilation of the best interests of England, and the utter ruin of Ireland. As I have before observed, the prosperity and welfare of the two countries are completely linked and dovetailed together; one cannot flourish whilst the other fades; and as our interests are connected, so must be our councils; thus, and thus alone, can the prosperity of Ireland, and the happiness of its people be secured; and this is an end, that although there may be others who, from their talents and their acquirements, are more competent to assist in effecting than I am, I will yield to no man in fervently and sincerely praying for the attainment of.

Mr. *Baldwin* said, that he would not at that moment enter into any discussion as to the policy of the Coercion Bill. He would apply himself to the consideration of the question then before the House, and he would fearlessly say, that the principles acted upon towards Ireland by this country, were those of a direct invasion of the rights of the Irish people. He would not say, that the opinions of the hon. and learned member for Dublin, who was accused of causing all the agitation by his wild speeches were not sometimes "wild." Yes, sometimes "wild," although he did not believe they were so; and he would add that, in place of being fraught with mischief, as was attributed to them by some persons, they were eminently calculated to do good, and, by doing good, to preserve the public peace. It was said, however, that the speeches of the hon. and learned member for Dublin had led to agitation. Why, as well might it be said, that the speeches of the hon. members on the ministerial side of the House had led to the Bristol riots. He asked nothing but a practical conclusion from the events which had occurred in Ireland since 1801. If justice were once done to Ireland, the people of that country would be satisfied; but without that, contentment, prosperity, aye, or even comparative happiness, never could exist there; and, talk of the Union as hon. Members might, an Act of Parliament Union could never cement the two countries. The foundation of every compact should be justice; failing justice, there must be an end to every compact. The hon. and gallant Officer (Sir Hussey Vivian) was pleased to speak in terms of praise of the Irish people. The gallant Officer saw them in the camp and in the field; but he saw them in their habitations, and at their bed sides, and he supposed, therefore, that he might speak with some confidence upon the subject. Not long since he saw fifty families coming into the city of Cork, bearing with them the few and simple domestic articles which contributed to the comfort of the Irish peasantry. He went up to one of them, and asked what was the cause of their approaching the city in that number, and in that condition,—had they been turned out of their farms, or had they been distrained upon under the new law for the recovery of tithe?—The man replied, "No." When he asked whither he and his companions were going?—The reply was, "to Canada." "And why do you go?"—"Because," was the further answer, "the little property that we have is every day growing less—because the taxes on our farms are more than we can bear—because the tithe-collector and the tax-gatherer sweep away the whole of our substance—therefore, while we have yet a little property left, we are resolved to gather it up, and to bear it away with us from the land of our fathers, hoping in the untrodden wilds of the Canadian settlements, to gain those means of livelihood which are denied us here, and prepared rather to encounter the wild Indian's tomahawk, than the Tithe-proctor and the Tithe-laws." He believed that the gallant Officer was a humane man, yet he certainly could not know as much of Ireland as he did. It was asked, why the people were emigrating from Ireland? He would answer—the poverty and destitution of the population, accumulated by the extravagant weight of political grievances. What had caused the poverty of Ireland? The commercial restrictions imposed by this country, and not the poverty of the soil or the character of the people. He could say, and he was a painful witness of the fact, that Ireland was every day becoming more wretched and more destitute. The Union had been an obstruction to Irish manufactures in different ways—it had caused the removal of the money of Ireland to this country; it had caused the removal of all public boards, and all her taxes were paid in this country. Ireland could never grow wealthy whilst her wealth was constantly taken from it. It was only by the accumulation of capital, that any country could rise; but the English took away the means of accumulating capital, and then wondered that Ireland was not rich. He admitted, that he was one of those who came to that House openly pledged to vote for the Repeal of the Union, but he did so from a conscientious feeling that it would be of the utmost advantage to Ireland. He gained nothing by coming to that House. On the contrary, it was well known that in purse, at least, he was a considerable loser; but, be that as it might, he advocated the question from a sincere feeling of its justice, its advantages, and its necessity; and he would continue to advocate it as long as he lived. They must not think to stifle the claims of the people of Ireland—they must not let the horizon of that House bound their views; let them legislate fairly for Ireland or she would watch her opportunity, and show that Irishmen would no longer continue slaves, or be content to hold a place inferior to the rest of their fellow subjects. They must not expect to be able to wrestle with eight millions of people, roused up by the spirit of national injury and the remembrance of many deep and unavenged wrongs. They did not want to dismember the empire—to repeal the Union was not to dismember. He would tell them, that the Irish people were determined to have good government with or without their consent. If they had, however, any wish to conciliate the people of Ireland, let them show an anxiety to inquire into their wants; if they were unjust, what was better adapted to show their injustice than inquiry?

Mr. *Pryme* said, that if the House wished, he would move the adjournment of the debate.—["*No, No!*"]—If Ireland had been misgoverned for a much longer period than she had been—if the fraud and corruption by which the Union had been obtained had been more flagrant, he would contend that it had no bearing on the question. The only point was, not how Ireland should be governed, but whether it was for the interest of the united empire that it should be now governed by two legislatures or by one. The hon. member for Meath had said, Ireland could be safely governed by her own legislature. If the hon. Member meant freedom from danger or inconvenience, he must say, that, in addition to the risk which had been already noticed, of our coming to different votes on important questions of general policy, such as the question of peace or war, there would be a much greater danger of constant collision than there ever had been. The Irish House of Commons would be returned by numerous bodies of constituents, instead of being like that manageable Parliament which existed in Ireland before the Union, when three-fourths of its Members had, in reality, no constituents. The hon. Member had urged that, there was an equal danger of collision between this and another House of Parliament in this country; but whenever that and the other House differed on any point, it concerned the interests of the same country, or the same class of people; whereas, in the event of a collision with the Irish Parliament, the one legislative body would be considering the interests of Great Britain and the other the interests of Ireland. Let them look for a moment to the principal dangers which were apprehended from the Union at the time when it was proposed. The speeches of Mr. Foster, the Speaker of the Irish House of Commons, in Committee, showed that his chief apprehension was founded on the abolition or diminution of the bounties, and the reduction of the protecting duties, which he thought would be destructive to the commerce of Ireland. How completely had events falsified the prediction! Not only were the duties reduced to ten per cent, but even that ten per cent had been since abolished, yet the manufactures and commerce of Ireland had continued to prosper;

In his opinion, it was not owing to the Union, but to the disturbed state of the country, that the want of capital in Ireland arose. On the contrary, the Union had been beneficial to Ireland, and had promoted both tranquillity and wealth. Various salutary measures had been passed since the Union, and there were various others in contemplation for her benefit. Let them but consult the feelings, and conciliate the interests, of the people of Ireland; let that people but have a little patience, and the country would soon arrive at a greater pitch of prosperity than she ever had been in before. With reference to the argument, that the Union had increased the number of Irish absentees, he begged to ask whether it was not the object of every man of property in that part of the kingdom to represent the place where he resided? It appeared to him, that the hope of obtaining a seat in the United Parliament was very likely to have the effect of inducing Gentlemen to reside permanently in Ireland, who, under other circumstances, would not live there at all. He would not further detain the House, but declare that he would support the Amendment.

The Debate was again adjourned.

HOUSE OF LORDS,

Tuesday, April 29, 1834.

MINUTES.] Bills. Read a third time. Exchequer Offices; Clerk of the Pipe (Scotland).

Petitions presented. By the Earl of DURHAM, from Orwell, for the Separation of Church and State; from the Friendly Societies of Wolverhampton, for an Alteration in the Law relating to such Societies; and from the Hand-Loom Weavers of Blackford, for Relief, and for a Board of Trade.—By Lord WHARNCLIFFE, from Sheffield; and from Monmouth County, for Protection to the Established Church.—By the Marquess of WESTMEATH, from the Justices of the Peace of the County of Westmeath, for an Alteration in the Act for granting Spirit Licenses.—By the Marquess of HEADFORT, from two Places, for the Abolition of Tithes, and for the Repeal of the Union.—By the Duke of SOMERSET, the Marquess of CHOLMONDELEY, Earls DURHAM and WICKLOW, and the Bishop of DURHAM, from several Places,—for the Better Observance of the Sabbath.—By the Earl of ROSEBERY, and the Marquess of BUTE, from several Places,—for an Alteration in the System of Church Patronage in Scotland.—By the Earl of DURHAM, and Lord SUFFIELD, from a Number of Places, and Dissenting Congregations,—for Relief to the Dissenters.—By the Earl of MALMESBURY, from the Agriculturists of Banbury, for Relief.—By the Duke of WELLINGTON, from Liverpool, for Relief to the Agricultural Interest; and against any Alteration in the Corn Laws; and from Derby, for the Repeal of the Malt Tax.

CENTRAL CRIMINAL COURT.] The *Lord Chancellor* moved, that this Bill be recommitted. He did so in order to introduce certain Amendments into the Bill, chiefly of a verbal nature. One of them, however, was important, as it would save expense and trouble. The object of it was, to avoid the necessity of issuing a fresh Commission for each Sessions. He anticipated the happiest results from this measure, and he was glad to say, that it had met with the warm approbation of the Corporation, the important Corporation, of the city of London. He had gladly availed himself of the advantage of their offering suggestions, and had adopted all those suggestions but one. He adhered to his plan of naming the parishes included within the jurisdiction, instead of taking a measurement of so many miles round the Post-office, for the distance might often be a matter of dispute, when the limits of a parish would not be doubtful. The city of London had offered every facility for passing this measure; and with respect to the offices, the abolition of which it would occasion, he wished it to be understood, that he only now carried through this measure on the distinct avowal that just regard should be had to the interests of those whose interests were affected, and he felt the most complete confidence, that they would be properly attended to in the House of Commons, as had been done on a former occasion, to the complete satisfaction of the officers of the Court of Chancery, whose offices had been dealt with in this way. This Bill provided for a population of 1,800,000 in the centre of the metropolitan district. He might mention, that he was indebted to an eminent antiquary for the discovery, that three or four centuries ago, the criminals from the other side of the river—that is, from Kent and Surrey, and also those from Essex—were tried at the Old Bailey, although the venues were laid in the respective counties.

Lord *Wynford* was glad to hear, that compensation was to be given to those who would suffer by the Bill.

The Bill recommitted, and the Amendments agreed to.

HOUSE OF COMMONS,

Tuesday, April 29, 1834.

MINUTES.] Bills. Read a first time:—Administration of Oaths; Grand Juries (Ireland).—Read a second time:—Justices of the Peace; Merchant Seamen.

Petitions presented. By Mr. FRYER, from Fruchie, for the Repeal of the Corn Laws.—By Mr. Secretary STANLEY, Mr. FOWELL BUXTON, and Mr. CROMPTON, from several Dissenting Congregations, for Relief to the Dissenters.—By Mr. A. JOHNSTON, from Perth, and other Places, for an Alteration in the System of Church Patronage in Scotland.—By Colonel VERNER, from Armagh County, against the Repeal of the Union.—By Sir WILLIAM FOLKES, from two Places, for the Repeal of the Malt Tax; and from Dorking, and other Places, against any Measure likely to weaken the Efficiency of the Established Church. —By Viscount NEWARK, from four Places, against any Alteration in the Corn Laws.—By Major MACNAMARA, from Clare County, for an Inquiry into the State of the Irish Fisheries.—By Mr. HUTT, from Kingston-upon-Hull, for the Removal of the Civil Disabilities of the Jews.—By Mr. MAXWELL, from the Hand-Loom Weavers of Stonehouse, for a Board of Trade, and for Relief.—By Mr. WYNN ELLIS, from Leicester, and other Places, for an Alleviation of the Sentence on the Dorchester Labourers. —By Colonel LYGON, Sir WILLIAM CHAYTOR, Sir JAMES GRAHAM, Sir WILLIAM FOLKES, and Messrs. OLIPHANT, MILDMAY, EVANS, EGERTON, and SHEPHARD, from a Number of Places,—for the Better Observance of the Sabbath.—By Mr. OLIPHANT, from Perth, for the Repeal of the Stamp Duty on Receipts.—By Colonel LYGON, from Astley, for the Abolition of Beer-houses.—By Mr. FEARGUS O'CONNOR, and Mr. LYNCH, from several Places,—for the Repeal of the Union.—By Messrs. CHAYTOR, VIVIAN, BELL, and RUSSELL, from several Places, —in favour of the Lord's Day Observance Bill.—By Mr. O'CONNELL, and Mr. FEARGUS O'CONNOR, from a Number of Places,—for the Abolition of Tithes in Ireland.—By Mr. STRUTT, from the Independents of Derby, against Church Rates.—By Mr. THOMAS ATTWOOD, from Lieutenant Henry Dundas Perrott, praying for an Inquiry into his Case.

STEAM CARRIAGES.] Sir *William Molesworth* presented a Petition for an alteration in the tolls upon Steam Carriages plying upon common roads. The hon. Baronet stated, that the petition was from Mr. Goldsworthy Gurney, a gentleman well known to the scientific world, and the first person who succeeded in effecting locomotion by steam on common roads. With much patience and perseverance he had overcome the various mechanical difficulties which had been previously considered by all scientific men, except Dr. Wollaston, as absolutely insurmountable. This Gentleman complained, that the Legislature had thought fit to insert, in numerous Road Bills, clauses putting tolls amounting to prohibition on steam-carriages; the consequences of which had been, that the public had been deprived of the best and cheapest means of locomotion, and that the petitioner himself who had sacrificed his time, profession, and fortune in the pursuit, without obtaining the just reward of his important discoveries, had been much injured. The causes which led to the prohibitory enactments were these:—The first long journey performed by Mr. Gurney's carriage was from London to Bath and back. In 1831, the carriages ran between Gloucester and Cheltenham for four months, during which period they carried three thousand persons, and ran four thousand miles; the average rate of speed was ten miles an hour; the fare—with a profit to the proprietor—was one half the fare of ordinary stage coaches; there occurred no accidents or delays from failure of machinery. The agricultural interest became alarmed at his success, and reasoned in the following lucid manner:—Steam-carriages, it was said, would soon supersede carriages drawn by horses; horse-labour would be discontinued, and, consequently, there would be a proportionate diminution in the demand for oats; farmers would be ruined; rents would fall. To avert these anticipated evils, Mr. Gurney's carriage was violently stopped by the trustees of the Cheltenham road, and Road Bills were hurried through both Houses, imposing tolls upon steam-carriages of from ten to twelve times the amount of the tolls levied upon four-horse coaches. Mr. Gurney petitioned the Commons, and a Committee was appointed to investigate the subject, which heard the evidence given on the subject by the first authorities. In consequence of the Report of that Committee, a Bill was brought in to alter the tolls, which Bill received the sanction of the House, but was rejected by the wisdom of the Upper House. It had been objected to steam-carriage locomotion on common roads, that the weight of the engine and manner in which the wheels produced locomotion would destroy the roads, and that the noise and smoke of the engine would be a public nuisance. An extract he would read from the Report would show, that the opinion of the Committee was, that such a description of locomotion was not only perfectly feasible and worthy of adoption, but that all the objections then made were groundless. The Report said—"Sufficient evidence has been adduced to convince your Committee. 1. That carriages can be propelled by steam on common roads at an average rate of ten miles per hour; 2. That at this rate, they have conveyed upwards of fourteen passengers; 3. That their weight, including engine, fuel, water, and attendants, may be under three tons; 4. That they can ascend and descend hills of considerable inclination with facility and safety; 5. That they are perfectly safe for passengers; 6. That they are not (or need not be, if properly constructed) nuisances to the public; 7. That they will become a speedier and cheaper mode of conveyance than carriages drawn by horses; 8. That, as they admit of greater breadth of tire than other carriages, and as the roads are not acted on so injuriously as by the feet of horses in common draught, such carriages will cause less wear of roads than coaches drawn by horses; 9. That rates of toll have been imposed on steam-carriages, which would prohibit their being used on several lines of road, were such charges permitted to remain unaltered." This summary would convince the House of the impolicy of continuing the prohibitory tolls, by means of which the nation would for a time be deprived of the advantages which would necessarily result from employing inanimate instead of animate power. It might be confidently predicted, that steam-carriages would roll upon all the roads of the kingdom, when the names of those whose ignorance and petty interests had induced them to oppose this all-important invention would be forgotten. That in a country which owed its superiority to the successful application of mechanical skill and invention—whose inexhaustible supplies of fuel enabled its inhabitants, by means of inanimate power, to work cheaper than any other nation on the earth, to whom, consequently, the facilities of locomotion were of the utmost importance—that, in such a country, prohibitory tolls on steam-carriages should exist, was a circumstance of which an enlightened Legislature might well be ashamed. There was a peculiar hardship in Mr. Gurney's case arising out of the law of patents. Any experiments performed by an individual in public became the property of the public, unless he had previously obtained a patent for them, and he could not insert them in any subsequent specification. The bringing an invention into practical operation required considerable time; many alterations and new difficulties occurred in bringing general principles into use, and these must be gradually removed. Thus the inventor, if he waited till he had perfected his invention before he applied for a patent, ran the risk of having the fruit of his talent and labour snatched from him, or if he first took out a patent, he had to sacrifice a portion of the duration of that patent in making the necessary experiments, or be debarred from reaping the exclusive advantage of those experiments. Mr. Watt expended the whole duration of his patent in making the necessary trials of his steam-engine; Government granted him a renewal of his patent, in consideration of his expenditure of time and capital. Mr. Cartwright's case was precisely the same. But Mr. Gurney, whose invention held an equal rank in the scale of utility, had been dealt far differently with, and he had been debarred from reaping, at the hands of the public, the just reward of his discoveries. Mr. Gurney's experiments being necessarily made in public, he had been obliged to take out a patent before he made a single trial. His patent was dated 1825. In 1831, the prohibitory duties had been laid on, and thus, unless they were repealed, Mr. Gurney's just and reasonable expectations would be annihilated; in a few years, his patent would expire; the public would reap the benefit of his inventions; but the inventor would be a ruined man. This was an injustice which he confidently trusted would not be sanctioned by a Reformed Parliament. The hon. Baronet then read the petition, which detailed the facts related by the hon. Baronet.

Sir *George Cayley* supported the petition, and said, he considered Mr. Gurney a very ill-used man. He had, it appeared, sacrificed a lucrative profession, five years' toil, and a fortune of 30,000*l.*, in perfecting his invention, the advantages of which to the public were incalculable. Yet not only was his patent virtually suspended, but others had attempted to set up carriages on his principle to his prejudice, which, in connection with the legislative suspension of his patent, had occasioned an opinion, that his invention was a practical failure, although, in point of fact, it was an eminently successful one. By Parliament, he had been wronged, and by Parliament he ought to be redressed. Mr. Gurney was the only man who could fully lay claim to the introduction of locomotion by steam on common roads, and for such a beneficial invention, he deserved the highest reward the country could bestow. Dr. Lardner, one of the first authorities on such subjects, fully admitted the extent of Mr. Gurney's claims. The apprehension of the agricultural interests was an absurd fallacy. The constant increase of population would find them a ready market for all their produce; and it should be recollected, that the food consumed by the million of horses employed in drawing carriages would suffice for the support of eight millions of human beings. A celebrated political economist, not then in his place, had declared that the boon conferred on England by the invention was equal to the annexation to this country of an island as large as Ireland without the encumbrance of its population. The donor of such a boon then should be hailed with delight and gratitude; he would most cordially support the prayer of the petition.

Mr. *Jephson* supported the petition. Mr. Gurney was a man entitled to the best consideration of the House. His invention would be of incalculable advantage to the country.

Mr. *Wallace* also supported the petition. He had travelled often in the steam-carriage on Mr. Gurney's principle, the property of Colonel Macerone, and such was its smoothness and easiness of Motion, that though going at the rate of sixteen miles and a-half an hour, he could shoot a pigeon flying, from the coach, though somewhat out of the knack. Another coach on Mr. Gurney's principle ran daily between Glasgow and Paisley with the utmost security, speed, and safety.

Mr. *Cayley* also supported the petition. The neglect of talent and public services had been the disgraceful characteristic of the old Parliament; it was incumbent upon the new Parliament to remove such a disgrace. Mr. Gurney's singular talent and public services entitled him to the best consideration and encouragement of the House.

Mr. *Peter* eulogised Mr. Gurney as a man of great merit, whose public services should meet with signal encouragement.

Petition to lie on the Table.

REPEAL OF THE UNION—ADJOURNED DEBATE.] The Order of the Day for the resumption of this Debate having been read,

Mr. *Mullins* said, that he would occupy the attention of the House for a very short time, knowing as he did, that it, was not in his power to advance any new argument in favour of the Motion of his hon. and learned friend the member for Dublin, which it was alike his duty as his inclination to support. He could assure the House that, in the course he meant to pursue, he was actuated, not by factious motives, but by a conscientious conviction, that in the event of the same line of policy being pursued as hitherto, a Repeal of the Legislative Union now subsisting between the two countries was indispensable to the prosperity of Ireland. He had reflected deeply upon this momentous question; he had considered maturely and dispassionately all its bearings; and the result was, that he had arrived at the conclusion, that the arguments and statements put forward in opposition to his hon. and learned friend's Motion were undeserving of weight. He had listened to the speech of the right hon. Secretary for the Treasury with the utmost attention, but he must say, so far from being convinced by it, that the sentiments he entertained were erroneous, the very contrary had been the effect produced upon his mind. The right hon. Gentleman had given the House a long list of various remedial measures enacted for Ireland since the Union took place; but how few of them had been remedial and satisfactory! how few had sprung from the free-will of a well-disposed administration! He asserted without fear of contradiction, that, with the exception of the Emancipation Bill, and the Bill for the Composition of Tithes, not one measure had passed the Imperial Parliament which could with justice be denominated remedial. Of the correctness of this opinion he meant to make the right hon. Gentleman himself an unwilling witness. Let the House hear his declaration when the dictates of a laudable ambition gave the rein to extreme liberality of sentiment, as a means of political advancement. The right hon. Gentleman formerly said—'He would now ask what 'had been done by the Legislature for Ire- 'land? The Statute-book might be 'searched in vain, for a single remedial 'measure for the evils, the existence of 'which, in that country, was on all hands 'acknowledged. One Act indeed had re- 'ceived the sanction of the Legislature— 'he meant that which put an end to the 'Catholic Association.' Again the right hon. Gentleman said 'Indeed he would 'have preferred, if it had been put down 'by a removal of the grievances which 'led to its establishment.' These were the registered opinions of the right hon. Gentleman,—opinions springing from mature deliberation and deep conviction. But let the House mark how different was the right hon. Gentleman's declaration from the Treasury Bench. The right hon. Gentleman said: 'That this 'House was called upon to state, that the 'Imperial Parliament gave the best pos- 'sible attention to Irish affairs, and to 'prove that remedial measures and salu- 'tary laws had been enacted, compared 'with which the repeal of the Act of the 'Union would be as nothing,—that they 'should declare that no new course would 'be adopted with regard to Ireland (for an 'admission of that kind would go to show 'that the present course was wrong,) but 'that they were determined to persevere in 'the present system.' 'And that one of 'the strongest arguments in favour of the 'Union was, that it admitted the people 'of Ireland to all the advantages and all 'the immunities of the British Constitu-'tion.' It was utterly impossible for even the right hon. Gentleman himself to reconcile the sentiments which had escaped him while out of office, with those which he delivered now that he was in office, and therefore he thought the House should pause before they gave the right hon. Gentleman credit, for the opinions which he now put forth. The right hon. Gentleman had stated, that Irish grievances had not been redressed; but that was the object of the Union, as might be gathered from the preamble to the Act which ran thus. 'Whereas, in 'pursuance of his Majesty's most gracious 'recommendation, &c. to consider of such 'measures as might tend to strengthen 'and consolidate the connexion between 'Great Britain and Ireland, the two 'Houses of both Parliaments have sever-'ally agreed and resolved, that, in order 'to promote and secure the essential in-'terests of Great Britain and Ireland, 'and to consolidate the strength, power 'and resources of the British empire, it 'will be advisable to concur in such 'measures as may best tend to unite the 'two kingdoms.' And well had the connexion between the two kingdoms been strengthened and consolidated—well had the essential interests of Great Britain and Ireland been promoted and secured —the strength, power, and resources of Ireland been developed—well had that grand national compact been fulfilled! And well has the British House of Commons felt for the sufferings of Irishmen, the generosity of England prevented your being overpowered by numbers. What had the right hon. Gentleman himself said on the subject. 'He had observed 'that in every case when the discussion '(of the Catholic question) was approach-'ing, some hon. Gentleman had brought 'forward some question which raised an 'angry debate, and induced Gentlemen to 'come to the main question with warm 'and angry minds.' And yet, the House was called upon by the right hon. Gentleman to declare, in opposition to his own opinion,—in direct opposition to the best evidence, 'that the Imperial Par-'liament gave the best possible attention 'to Irish affairs!' Again he called upon hon. Members to pause, before they consented to support the Amendment of the right hon. Gentleman, without first investigating the causes of complaint, and calmly weighing the merits of the case put forward by the Irish people. Why refuse inquiry? Surely from inquiry nothing but good can result. If the arguments against repeal were well grounded, there certainly could not be found better means of checking all future agitation of the question, than by submitting it to trial before a Committee of Members from the different parts of the United Empire, and placing their verdict on record; and if, on the contrary, it were shown that the Union was an evil, why should not the House consider it in that point of view, and legislate accordingly? Another strong argument in favour of inquiry was, that though the right hon. Gentleman had submitted a long array of figures to hon. Members in support of his position, it was not to be supposed that, however erroneous those calculations might be, hon. Members could, in the heat and hurry of debate, pick holes in what had been for many months compiling, and not without the aid of a Scotch arithmetician. For this reason the House must throw overboard this branch of the right hon. Secretary's argument, and confine itself to those points which were more immediately intelligible. It had been said, that those who supported Catholic emancipation were pledged to give up agitation the instant that measure of justice was carried; but he denied the truth of the assertion, and could refer to a letter written in 1826 in *The Dublin Evening Post* by his hon. and learned friend, the member for Dublin, in which a very different doctrine was laid down. If, however, the Union had been an advantage instead of an injury to Ireland, where was the objection to appoint a committee to demonstrate the fact? Surely such a course would be the best answer that could be given to the question of Repeal; but if, instead of adopting the Motion of his hon. and learned friend, they rejected it, what must be the only inference? Why, that, instead of being benefited by the Union, Ireland had been deeply prejudiced by that event. It was upon those grounds that he felt it to be his duty to oppose the Resolutions proposed by the right hon. Secretary for the Treasury. But he entreated hon. Gentlemen to consider what the course was which the right hon. Secretary wished them to take. It certainly was a novel case to vote an address to the Crown by both Houses of Parliament on such a subject; and upon what authority were they to proceed? Why, upon the doubtful authority of the Irish Parliament respecting the corruption of which they had heard so much. This was the only precedent that could be discovered, to warrant the adoption of such a course; but he would ask hon. Members, whether they would be acting wisely if they established a precedent in this country which, by possibility, might one day or other be used against themselves for a similar purpose? The resolution which it was his intention to move at a future stage, would obviate this difficulty; and he therefore hoped the House would agree to it, seeing that it involved nothing that was objectionable, and was only directed to prevent the establishing a principle that might at some future time be detrimental to the interest of the country or subversive of their own privileges. It had been said, that Ireland derived no one advantage from a domestic Legislature which she had not gained from the Imperial Parliament. But this he denied on the authority of the history of the Irish Parliament, which he thought furnished ample evidence to show, that, however corrupt and vicious that assembly might have been, it attended to the wishes of the people much better than the United Legislature had done. In conclusion he would say, that so long as Irish interests were not placed on a perfect equality with English in the eye of the Legislature, so long as the grand national compact continued unfulfilled, so long did he find himself fully justified in calling for a domestic Parliament; and this not without a clear conviction of the disadvantages—coupled certainly with much good, which would result from such a measure—but convinced at the same time, that evil though Repeal might be, it would be an evil infinitely inferior to a long-continued course of mal-administration of Irish affairs, through the instrumentality of a deputy Government. No individual in that House was more anxious to see the day when Ireland would be in full possession of all the advantages and blessings anticipated from the Union; but so long as that prospect continued unrealised, he felt proud to support the views of that band of independent men whose better judgment told them, that if union was strength, it should be union, not in name, but in reality.

Mr. *Jephson* said, that, however able the speech which had been delivered by the hon. member for Belfast was, and although he admitted it exhibited very great talent, he must at the same time disavow all communion of sentiment with the latter part of it. He (Mr. Jephson) admitted, that there were Catholics and Protestants on both sides, and he thought it most injudicious to describe Anti-Repealers as belonging to one denomination, and Repealers to another. The fact, he repeated, was not so, and only a few such speeches as that which the hon. member for Belfast had made were required to convert this from a political into a religious question, and by that means to promote the objects of those by whom the question was agitated. The hon. and learned member for Tipperary referred to the cry which the Tories had raised against Reform, on the ground that it would ruin England; and inferred that if, instead of being ruined, this country had been benefited by Reform, the advocates of Repeal were justified in asserting that a dissolution of the Union would lead to a similar result. With respect to Ireland, the cases, however, were widely different. He was ready to acknowledge that the great majority of the people of Ireland were in favour of Repeal, but he was at the same time prepared to assert, that (he might almost say the whole of) the wealth and intelligence of the country were opposed to it. Not only were they opposed to it; they dreaded it, and called on the House to preserve the Union most strenuously. But let them consider who the parties were whom a Repeal of the Union would serve. Clearly it would be of no advantage to the upper classes; and as the lower classes could reap benefit only through the upper classes, it would be found to confer prosperity upon neither party; and, therefore, he asked them why such a matter should be taken out of those hands by whom alone it could be converted into a good or an evil, or why those who opposed a proposition of which they could not in their consciences approve, were to be held up as the enemies of their country? It was not the lower classes who were really most interested in the prosperity of Ireland, for if they were dissatisfied it was in their power to emigrate; but this was not the case with the gentry, the landed proprietors, whose interests being staked, their all depended upon the well-being of the country. It had been said, that the voice of the 105 Irish Members in that House was of little or no advantage to Ireland; but, whether this were so or not, he did not think, even if they were unanimous in favour of Repeal, that they would be listened to with attention if returned in the same way as some of the hon. Members opposite. It could not be said, that the hon. Gentlemen to whom he alluded had been returned either by intelligence or wealth, and therefore, if the 105 Irish Members had been returned as they had been, and concurred with them in opinion on this subject, still he would say, that their sentiments should have no weight in that House. He fully admitted, that great talent had been employed in supporting the Motion of the hon. and learned member for Dublin, but at the same time he must say, that he never saw powerful, intellect exerted with less success. Its exertions had completely failed in bringing conviction to his mind, that the measure of Repeal was either just or expedient. Although he acknowledged their talent, he doubted very much whether the hon. Gentlemen themselves were satisfied with the case which they had endeavoured to make out. He doubted it very much. The question was, how the having a Parliament sitting in Dublin was to benefit Ireland. Would it increase the capital or the means of employment in that country? He thought few capitalists would be tempted by such a change. It might be said, that new channels of employment would be opened; but he had heard no reasonable grounds advanced for such an expectation. But then it was said, that the Union had prevented manufactures from increasing in Ireland. He thought that Ireland obtained her manufactures cheaper in England than she could make them, or her manufactures would have increased. How could a Repeal of the Union enable the Irish manufacturer to compete with the English? What prevented the friends of Repeal now in that House from encouraging Irish manufacture by wearing Irish cloth. There were forty of them; and he would venture to say, that not five had an Irish coat on his back. And the reason of this was, that in England he could get two coats when he could only get one in Ireland. With regard to absentees, he did not feel that much good could be done to his part of Ireland, the south, from sending them all back to Ireland; the south would derive no benefit from the prosperity of Dublin. They looked upon Bristol and Liverpool as being more like capitals to them than Dublin. He acknowledged the moral evil of absenteeism; but as to what was called the drain of absenteeism, he thought it the greatest political humbug that ever was invented to delude the people. He was so satisfied of the advantage of the intimate union between the two countries, that he regretted their very name had not been identified fifty years ago. Much agitation had been caused by the delay of Catholic Emancipation, and had that been granted in time, this question would not have been heard of. But the continued discussion of that question had brought a large number of young men of great talent into public existence, to whom agitation was as their life's blood and they seized any means of keeping it up. If the country continued to be excited by these parties, it was impossible that it could be otherwise than wretched, and any state of things would be preferable to the present. He believed this to be a growing feeling, and that agitation would soon lose its power if the Government took a decided course. He might venture to promise the Gentlemen engaged in that occupation, that if they succeeded in keeping it up for another year he would then join them and advocate Repeal, for he would rather try an Irish Government than continue to live under one which could not maintain peace and law in the country.

Mr. *Maurice O'Connell* said, there never was a time when the people sought for the recovery of their rights—there never was a time when they claimed relief from tyranny and oppression, that their motives have not been calumniated, and their wishes attributed to ignorance, or violence, or discontentment. So it is now. The hon. Gentleman who has just sat down says the wealth and intelligence of the country are opposed to the question of Repeal, but he admits there are some exceptions. I grant that a particular faction is opposed to the measure, but I deny that the intelligence of the country is against it. The hon. Gentleman has convicted himself of error on this point, for has he not told the House that the question of Repeal has originated with a body of men who have been brought up in agitation, and who, he has admitted, are possessed of great talents and abilities? I may say, that I drew my first breath in agitation, and I would beg to admonish the hon. Gentleman not to disparage those who had rendered him so much service, on whose shoulders, it may be said, he was carried into this House, for the time may come when he may change his opinion on the question of Repeal, and it may become necessary for him to require their assistance again. The hon. Gentleman has animadverted upon the conduct of agitators. I, and many others around me, have the pride and honour to be agitators, yet are there any Members returned to this House more free than we are. We did not enter it by any of the side alleys or crooked passages that lead into it—we did not, in coming here, inflict any oppression upon our tenantry, nor did we employ the strong arm of power to punish the refractory voters. It will be seen, however—the hon. Gentleman will see—what the result of the next election will be. I question if the educated of the country are on the side of those opposed to Repeal. The people are in favour of Repeal: those support it who feel the ruinous consequences of the Union most keenly. The hon. Gentleman does not feel the evil effects of it; his wealth prevents him from knowing them, but the change in the value of property may open his eyes to the misery that the Union has entailed upon the country, for, when the tenant is unable longer to pay up his rent, the bailiff will soon have business at the landlord's door. It has been said by some Gentlemen, that if the educated part of the people called for Repeal, they might be disposed to accede to their desires. The same language was used by the right hon. Baronet, the member for Tamworth (Sir R. Peel), and by the ex-secretary of the Admiralty, when the Reform Bill was under discussion, and it is now employed by the right hon. the Secretary for the Treasury, and the subservient echo that sits behind him. That also was the burthen of the song when the question of Catholic Emancipation was before the House, and although it was said then that the intelligence of the country was against that measure, the Catholics of Ireland showed that it was in favour of the concession. The same language is now used in reference to Repeal, and I am confident events will shortly prove with equal injustice. It is said, that the delay of Emancipation is the cause of the agitation of Repeal. I call upon you to beware, lest the postponement of Repeal may produce similar effects—nay, the very result we all so much deprecate. The course now recommended by the Secretary of the Treasury concerning this motion is considered a better course than merely meeting it with a simple negative. Hon. Gentlemen will find themselves egregiously mistaken, if they think that any course they could adopt to oppose this question will suppress its consideration, or prevent its agitation in Ireland. There scarcely breathes an individual, not connected with a particular faction in that country, or not one of the *employés* of Government, who is not in favour of Repeal. Hon. Gentlemen are mistaken when they suppose this to be a new question. What, I ask again has been done for Ireland by the Imperial Parliament to induce the Irish people to forego the agitation of the Repeal Question? They have got a bill of 60,000*l.* for the Protestant clergy of Ireland. The hon. member for Marlow opposed that Bill, and, with all the other hon. Members who said it would be ineffectual and would be opposed in Ireland, was shouted down by the supporters of Ministers. The whole amount of tithes recovered in Ireland is 12,000*l.*, at an expense of 25,000*l.* We told the Government the bill would be ineffectual, and in reply we were told, that we knew nothing of the state of Ireland. We have, besides, got a compulsory and perpetual Tithe Act and a Coercion Bill, and now we are promised by the Irish Secretary another Tithe Bill, a legacy left him by his predecessor in office, worse than the former bill, and which, if passed, will prove equally ineffectual, although we who tell the Government so shall no doubt be told in return that we know nothing of the state of the country. I do not mean to occupy the House with financial details at this protracted period of the discussion. The House has heard the statement of the beneficial consequences of the Union to Ireland, and of the success and improvement of her manufacturing and commercial interests. I beg leave to quote the opinions of the right hon. member for Tamworth (Sir R. Peel) on the benefits that he conceived at one period that Dublin received from the Union. When the bill granting a certain sum of money to the commissioners of wide streets in Dublin was before the House, on the sum being objected to, that right hon. Gentleman distinctly and emphatically insisted that Dublin had a right to receive that grant from Parliament, in consequence of the injury she had sustained from the Union. By the means of that grant, Dame-street, which is the Cheapside or Fleet-street of Dublin, has been widened, eight excellent new houses, equal in every respect to any in London, have been built in it, and, although merely substituted for other houses that had been taken down, the right hon. Secretary includes them in his return of new houses built in Dublin since the Union, without taking into his calculation those which were removed. Yet these fine houses, so situated, have now been two years untenanted. This is, indeed, a melancholy proof of the prosperity of Dublin. But look at the state of the trades in Dublin now, compared with what they were at the period of the Union. The returns I hold in my hand are certified by those best acquainted with the state of the Irish metropolis. In 1800, the total number of operatives employed was 61,000; in 1834, the total number is 14,444, and of those only 4,412 are fully employed. This reduction has taken place in a period during which the population of Dublin has increased to twice what it was at the Union. The number of master carpenters at the time of the Union was 168, and of operatives 2,000. These have been reduced to 103 masters and 951 operatives. How can the right hon. Secretary reconcile this statement with his assertions, that building has gone on progressively increasing in Dublin since the Union? The bricklayers of Dublin in 1800 amounted to, masters, thirty-five, operatives, 800; now there are only eight masters; there are 1,600 labourers, only 400 of whom have constant employment. There were in 1800, eleven master ship-builders and 200 journeymen; now there are only six masters and 110 journeymen. Of anchor-makers, there were at the time of the Union, six masters; now there is only one. There were then twenty master sail-makers; now there is only one, who gives employment to nine journeymen. Those returns, which I shall beg permission to lay on the Table for the perusal of hon. Gentlemen contradict the statements of the Secretary of the Treasury respecting the exports of Ireland. As to the increase in the amount of tonnage, the right hon. Gentleman has omitted to state how that increase happened. The Irish exports consist principally of corn and provisions. A great number of vessels are also employed in carrying away the people and their property. But with respect to imports, does not the right hon. Gentleman consider that they consist chiefly of coals, slates, and timber, which, though comparatively valueless, increase the amount of tonnage very considerably. I will further refer to the grand canal trade, which has been alluded to in the course of the debate. The tonnage in the years 1821, 1822, and 1823, compared with that of 1830, 1831, and 1832, gives, it is said, an average increase of sixty per cent, but look at the revenue returns, and what do they show? Take the returns for 1811, 1812, and 1813, and compare them with those of 1830, 1831, and 1832, and a decrease of forty-six per cent, will be found in the revenue. At the former period it was 104,000*l.*, at the latter period the average was only 60,000*l.* And let it be recollected, that a sum of 105,000*l.* has been expended in extending the canal thirty-five miles; and, notwithstanding this, a deficiency of forty-six per cent has taken place. Now, I ask the right hon. Gentleman whether he be ignorant of these facts? or, if not, can he find fault with those who have such just reasons for imputing dexterity to him in making out these returns? The right hon. Gentleman boasted of the increase of trade and manufactures in Ireland. By the Returns which I have laid on the Table, let hon. Gentlemen examine the accuracy of such statements, and if they do, I am confident they will not assent to the proposition of the right hon. Gentleman. A letter has been read in the course of the debate, the name of the author of which was withheld, which gave a glowing description of the cloth manufacturers of Kilkenny. The carpet factory in that place was mentioned as rivalling, and likely to destroy the trade of Kidderminster. I have a statement in a letter which I have received from a Mr. Kennedy, of Kilkenny, who is well acquainted with the trade of that place, and from that it appears, that in the year 1800 there were sixty-five factories in Kilkenny, which had 133 looms at work, and gave employment to 4,262 workmen; now there is only one factory with twenty looms at work, and employing only 100 people. With those facts before us, how can Gentlemen say that trade has flourished in Ireland since the Union? The owner of this factory now in existence is a Mr. Scott. It is a remarkable fact, that a few days ago he got a Government order to make blankets for the Irish police—a thing that has not occurred for twenty-three years before. I take this of course, as evidence of the growing liberality of the Government towards Ireland, and by no means intended to influence the decision of the present question. In conclusion, I must express my hopes that the good effects of the present debate will not cease with the cause that produced them, and that the patronage of Government to Irish manufactories will be continued, after the right hon. Gentleman's resolutions have been carried.

Mr. *William Peter* said, that agreeing as he did, with the hon. member for Mallow, in his estimate of the arguments by which the Motion for Repeal had been supported, he would trespass very briefly on the indulgence of the House. In saying this, he meant nothing offensive to the feelings of any of the hon. Gentlemen opposite; but, he would ask, what that cause must be—how weak, how destitute of all reason—which not even their acknowledged talents—which not even the far-prevailing eloquence of the hon. and learned members for Dublin and Tipperary—could invest with the smallest semblance of plausibility? He sympathised, indeed, with those Gentlemen, in their grief for the sufferings, in their indignation at the contumelies and oppressions—which Ireland had endured for so many centuries from this country; he joined with them no less in their reprobation of the means, of the corrupt and unhallowed means, by which the Legislative Union between the two Islands had been originally effected. So far he concurred with them. But the immediate question for the decision of Parliament, was not how Ireland had been governed in former ages, but how she was likely to be best governed in times to come. It was not by what means the Union had been first accomplished, but whether now, after thirty-four years duration; it was for the benefit of the empire, for the benefit either of Great Britain or Ireland—that the connection should be dissolved? After the very able and ample manner in which the subject had been discussed by many of the preceding speakers—more especially by his right hon. friend, the Secretary of the Treasury, it would be idle and presumptuous for him (Mr. Peter) to enter into calculation or details to confirm what had been already so clearly demonstrated—the increasing wealth and prosperity of Ireland—to prove her advance in agriculture in commerce, and in almost every thing that was supposed to contribute to the weal and greatness of nations. These facts had been too clearly demonstrated to admit of a moment's doubt. The hon. Member, indeed, who spoke last, had talked of uninhabited houses in some towns, and of unemployed operatives in others; but did he mean to say (as regarded either the one or the other) that Ireland was not, on the whole, in a far better state than before the Union? Did he mean to say, that the number of occupied houses, of employed workmen, throughout Ireland, was not at present infinitely greater than at former periods? To arrive at a just conclusion on this subject, we ought to look, not at isolated parts, but at the aggregate mass—not at this or that particular branch of national industry, separately and alone, but at the general state of its various branches, taken altogether. But the House had been told by other Gentlemen, that notwithstanding all this apparent prosperity, the condition of the peasantry was, in many parts most wretched. He (Mr. Peter) admitted and lamented this fact. But what was their condition before the Union? Was it less wretched less barbarous, less degraded? Assuredly not. Nay, if we believed the accounts of Sir John Davies, and Swift and Arthur Young and other writers, we should be forced to admit, that sad and wretched as the condition of the peasantry might still be in some parts of the country—it had much improved—and was now one almost of comfort and happiness, as compared with the general state that had preceded it. But did the hon. and learned member for Tipperary, or could any hon. Member, laying his hand upon his heart seriously affirm, that the condition of the peasantry would be ameliorated by the proposed change and by the re-assembling of a local Parliament in College Green? No, it was impossible, in his opinion, for any reflecting man to say so. Whoever seriously contemplated the state of Ireland, must see, that it was only by the establishment of order and tranquillity, that the character and happiness of the peasantry or of any other class of the Irish community could be permanently improved. Order and tranquillity were the only paths to national improvement, and these he was sure, could in no manner be maintained, or at all events, could in no other manner be so effectually maintained, as under the auspices of an united Legislature, and by a continuance of the subsisting relations between the two countries. The House had heard much eloquent declamation; and many powerful appeals to the ancient liberty of Ireland. He, however, was at a loss to know at what period that liberty existed? He had searched history for it in vain. He had ransacked its pages from the time of Henry 2nd, down to 1782, but could find no traces of it. It was true, there had been licence, and anarchy, and outrage, and oppression, enough to satisfy the fiercest demagogue or coldest-blooded despot; but as for liberty—real, rational liberty—its name, its very nature, was unknown. Even from 1782, down to the Union—even during that vaunted interval—its existence was very problematical. Indeed, Mr. Fox, speaking on the subject, in 1797, had said, that, as to political liberty, the Irish enjoyed as small a portion of it, and knew as little of its principles, as subjects living under the most despotic monarchies of the Continent. An hon. Member had complained of the present political state of Ireland, and he (Mr. Peter) admitted, that it was anything but satisfactory. In answer, however, to his reprobation of the Coercion Bill and its supporters, he would only say, that, though severe, the measure was necessary. Its policy had been best manifested by its results—by the altered and improved state of Ireland—by the establishment of comparative order and tranquillity, where agitation, and outrage, and murder, were before predominant. With only one county and four baronies proclaimed—without a single Court-martial, or one act of severity resorted to for any political offence—that Act had been the means of rescuing Ireland, for a while, from the most frightful anarchy and oppression. The mere knowledge of the fact—the knowledge that Government was armed with powers to suppress outrage, precluded the necessity of resorting to them. The moral effect of the Act was alone sufficient for all the purposes of present security, and good government. An hon. Gentleman, the member, he believed, for Cork (Mr. Baldwin), asserted, that the Whigs had violated all their former promises—that, since their accession to power, they had done nothing, or worse than nothing, for Ireland! What, then, was Parliamentary Reform nothing? Was the Education Bill nothing? The Grand Jury law nothing? The Church Amendment Act nothing?—aye, the Church Amendment Act—though hon. Gentlemen on the other side might sneer, he would again ask, if that was nothing? Scorn it, however, as they might—depreciate it as they pleased—still he would contend, that it was a wise, a beneficent Act. It might not be the very best Act that could be devised—it might not contain every thing that the most sanguine anticipated or desired—but, this he would say, that it was the best measure that, under existing circumstances, could be reasonably proposed —that it gave as much as could, at that period, have been demanded with any chance or prospect of success. He would, therefore, repeat, that it was a wise and beneficent measure. It established a principle of Church Reform; it benefited both Catholic and Protestant. It benefited the Catholic by freeing him from the Vestry-cess—by freeing him from invidious and oppressive burthens, imposed upon him for the support of a rival establishment;—it benefitted the Protestant by correcting many of the abuses of his Church, by a more equal distribution of its revenues, and by a better provision for the performance of its duties. And this and the other measures before referred to, the hon. Gentleman had told the House were nothing, or worse than nothing! Why, had he and some of his hon. coadjutors opposite been promised these things or a tithe part of them a few years ago—at the time, for instance, of his late Majesty's visit to Ireland—how would they have lauded the promiser—how would their hearts have overflowed, their tongues have grown wanton, in his praise! On their bended knees would they have worshipped him—they would have strewed his way with flowers—they would have harnessed themselves to his car, and have drawn him, amidst shouts of joy and triumph, from Dunleary to Dublin Castle! The hon. Gentleman, therefore, and his friends, should not speak in quite such contemptuous terms of what had been recently done for Ireland. Not that all had been done—not that more, very much more, did not remain to be effected for that unhappy country. Further reforms were still required both in Church and State—the tithe question must be set at rest—the system of education, so auspiciously begun, must be further extended—the condition of the peasantry must be raised—provision must be made for the poor—employment found for the industrious—but, above all, the spirit of faction must be laid—ay, that accursed spirit, which had so long desolated Ireland—a spirit which corrupted her best institutions, and poisoned justice at its very source—a spirit which tainted every thing—which blighted every thing—which destroyed every thing, and which had frequently gone far to reduce Ireland almost to the verge of that state, so fearfully shadowed forth by our greatest poet—a state

> "Which God by curse
> Created evil, for evil only good;
> Where all Life dies, Death lives, and Nature breeds,
> Perverse, all monstrous, all prodigious things,
> Abominable, inutterable, and worse
> Than Fables yet have feign'd or Fear conceiv'd."

Yes, that spirit must be greatly mitigated or subdued, before Ireland could taste of freedom or repose. They might enact Poor-laws—they might reduce taxes—they might extinguish tithes—they might Repeal the Union; but all, all would be in vain, whilst faction raged on every side—whilst Protestant was stirred up against Catholic, and Catholic against Protestant, and Green and Orange, and High Churchman and Dissenter, were taught to consider it as a reciprocal duty, to vilify, and trample on, and domineer over one another. That Ministers had been doing all in their power to suppress the evil—that it had been their increasing wish and endeavour to put an end to this fearful state of things, was evident, he thought, from the clamour and obloquy, with which they had been assailed by the bigots of both parties. It had been said by Mr. Burke, that there was a wide difference between men, when they acted from a sense of grievance, and when they acted from a zeal for opinions. There was a boundary to men's passions, when they acted from feeling, none, when they were under the influence of imagination. Remove a grievance, and, when men acted from feeling, you went a great way towards quieting the commotion; but the good or bad conduct of a Government was of no sort of moment to a faction, proceeding on speculative grounds. Such, in substance, were the remarks of Mr. Burke on some former occasion, and one might almost have thought, that they had been expressly made for the present times and state of Ireland, so thoroughly did they apply to the two great parties which distracted that degraded and unhappy country. He would detain the House no longer. He hoped, and, judging of the future from the past, he confidently believed, that Ministers would do their duty—that they would "still bear up and steer right onward"—and, undiverted by the jealousies or misrepresentations of either party, would render impartial justice to all. Never, indeed, did any Government stand, encompassed round with greater difficulties—placed as it was betwixt uncompromising factions—exposed to the hatred of those who would reform nothing, and of those who would change or subvert every thing. Amidst so much violence—amidst such fierce extremes—it was with joy and gratitude, that he beheld a Government equally removed from both—that he could find a rallying point where order and liberty might meet—that he could discover a green spot—an Oasis, as it were, in the desert, to which the eye of hope might turn, and where an exhausted nation might, at length, repose, secure alike from the pestilential glare of Toryism, and from the desolating whirlwinds of revolutionary Reform.

Mr. *Christmas* entreated the indulgence of the House for a short time, while he briefly expressed his sentiments upon this great question. It was needless to enter into details of ancient oppression and ancient misrule. Such details might create a bad feeling in Ireland towards this country, but had very little to do with the question before the House. The hon. member for Dublin had endeavoured to prove, that England had no right over Ireland by conquest, or otherwise. She certainly had frequently exercised such power, whether she possessed it or not. Whether Ireland ever was, or was not, thoroughly conquered, might be a matter of very curious inquiry for the historian, but had very little bearing upon the subject under debate. The independence of the Irish Parliament was established in 1782, and the compact of union was afterwards made between two independent countries. They had been told, that the Irish Parliament was incompetent for this purpose. There must, however, be some means of effecting a union between two countries; and if Parliament were incompetent, it could only be done by having recourse to assemblies of the people. He did not concur in this doctrine; it was a dangerous one at any time, leading directly to universal suffrage; and it would have been doubly dangerous at the period of the Union, when Jacobinical doctrines were in full vogue. He was aware, that, notwithstanding all he might say on this subject, many Members would still retain their opinions as to the incompetence of Parliament; but, as it was a maxim in law, that length of possession established a claim to a thing, so, upon the same principle, the length of time during which the Union had passed unquestioned, should be sufficient in itself to give it all the force and validity of law; and would hon. Members say, if Ireland had prospered according to their wishes since the Union, that it would not now be valid, and that it required further means to confirm it? The real question was, what effect had the Union had on Ireland? The hon. member for Dublin, and those who agreed with him in opinion, had endeavoured to draw a highly-coloured picture of the prosperity of Ireland from 1782 to 1800, and conflicting statements had been brought forward on the other side, to disprove the truth of their assertions. Looking back to the records of that time, there was great difficulty in believing that her prosperity during that period was so great as they seemed to imagine. It was a period of great political agitation, and discontent, ending at last in a rebellion. Those armed associations called Whitefeet at one time, and Peep o'Day Boys at another, which had been the bane of Ireland at almost every period, existed then in full force and efficiency; but granting that she did then make some advances in prosperity, the establishment of her independence was an advance from a worse to a better state of things; and it must be recollected also that certain commercial advantages of trading with the British colonies, which had been before withheld, were then thrown open to her, and no doubt contributed to her prosperity. But it was said, that since then she had retrograded: on this point, also, the statements were conflicting. The right hon. the Secretary to the Treasury had produced a number of official documents, which certainly afforded an incontestible evidence of the improvement of the country in many respects. He was himself aware that great advances had been made in agriculture; and it were difficult to believe, that these improvements could have taken place without contributing, in some degree, to increase the comforts of the farming and labouring population. But looking at this question impartially, and judging not from figures on the one side, or on the other, but from what passed under his own eyes and observation, he was not prepared to deny, that there existed a great deal of destitution and misery; but were these evils the inevitable consequences of the Union? It was true, indeed, that Ireland had not enjoyed all the advantages of the Union, from the introduction of British capital; but was it difficult to assign causes for them, or, rather, were they not so obvious, that he who ran might read them? First, and principal, he would assign the long agitation of the Catholic question. He did not entirely condemn that agitation; exclusion in itself was not a good thing, though it might be justified by particular times and circumstances. The Catholics were justified in seeking to gain their object, and had he been a member of that House, he would have raised his voice in their favour: but the practical effect of that agitation was, to keep Ireland in such a state as prevented the introduction of British capital. Another circumstance which operated prejudiciously, in his opinion, was, the granting the suffrage to the Catholic 40*s.* freeholders in 1798. He would not enter into the political bearing of this measure; no doubt, many persons would think that the political advantages were such as to counterbalance the practical evils which resulted from it: he would look at it merely with reference to its practical effect, and he would say, that as it was unaccompanied by any measure which might impose upon the landlords the necessity, and place before their eyes the fear, of having to provide for the increased population of their estates, the land was cut up and subdivided into a number of small tenements, which had undoubtedly contributed materially to produce that great population for which it was now so difficult to provide. Besides, the period from the Union until the peace was one of high taxation, in which Ireland was obliged to bear her share. Much depression was created among the landed proprietors, by the subsequent fall in prices, their estates being frequently mortgaged and encumbered. The same distress existed in England, but it fell more heavily on Ireland, in proportion as she was less able to bear it. These causes were entirely independent of the Union, and were quite sufficient to account for the present state of things in Ireland, and to show why she had not made more rapid advances. But the real question now to be discussed was, what were the benefits which they were to receive from Repeal? No commercial advantages could result from it. The hon. member for Cork, who opened the debate last night, and the hon. member for Dublin, were at issue on this point. The hon. member for Cork was in favour of protecting duties, and the hon. member for Dublin was for free-trade. Now, that was a specimen of what would take place in the Irish Parliament; there would be two parties, one for protecting duties, and the other for free-trade. But he protested against being involved in a war of protecting duties with England. Ireland could gain nothing by such a war; but, on the contrary she might lose much. England would close her ports against Irish agricultural produce, and would prohibit Irish labourers; and thus they should have thrown back upon them the whole of that great surplus population which now found employment through every part of England and of Scotland, and was collected round the great seats of manufacture. No benefit would result from the Repeal of the Union, except the return of the absentees; but was this likely to be realized? He doubted it much, or rather he felt a strong conviction that it would not. Absenteeism was not a new thing in Ireland—it existed before the Union. Even during the boasted period from 1782 to 1800, a correspondence took place between Lord North and the Duke of Devonshire, on the subject of an absentee-tax. But they were told, that the new field of ambition and political distinction opened to the Irish gentry would induce them to return. He doubted it; and when they recollected the certainty of a collision taking place between the two Houses in the very first Session of the Irish Parliament, and that the Upper House must necessarily give way to the gentle force of public opinion exemplified in mobs from the county of Kildare, with sticks in their hands, acting as the hon. member for Dublin would say, peacefully, but multitudinously, and parading before the House of Parliament in College-green, he felt convinced, that the nobility and gentry, feeling themselves deprived of their proper influence, and disgusted at the state of things in their own country, would continue to reside in this. With regard to the minor arguments in favour of Repeal, they had been so little insisted on, that he need scarcely allude to them. They were sometimes told, that there was not time in that House to manage the affairs of Ireland: undoubtedly at present, there was a great press of business. The country might be said to be in a state of transition, passing from the old system to the new reforms which were taking place in almost all our institutions; but this would not last for ever; and he would never believe, that that House was not fully competent to manage the affairs of the entire empire. Then, again, as to the national degradation and inferiority about which so much was said, he could see no degradation in being united to England. Ireland was not made a province by the Act of Union, but an integral part of the British empire. Gentlemen appeared to proceed upon a fallacy, when they set the number of Irish Members in opposition to the number of English. They were not met there 550 against 105, each to contend for their own separate interest, but to consult and provide for the general good of the entire empire. Besides if this argument held good, what became of the principle of centralization, which had been going on for some time back, upon the principle of those hon. Members who called it a degradation for one country to unite with another? They ought to restore their independence to all those States, which, in the progress of civilization, had been consolidated into the great monarchies of Europe, and resolve England again into the kingdoms of the heptarchy. As Scotland was an example that a smaller country might unite with a larger one with perfect benefit to itself, so he would point to Italy as an example of the disadvantages of division. Italy was divided into a number of petty States; but would any Gentleman contend that she held so high a rank among the nations of the world as she would do if the whole of that country, which was marked out by the physical boundaries of the sea and the Alps, was united under one Government, and formed one nation? With regard to the allegation that nothing had been done for Ireland, he did not refer to former years, but he pointed to the measures of last Session as evidence to the contrary. Was the abolition of the vestry-cess, and was the Grand Jury Bill nothing? When Gentlemen said, that nothing had been done, that point might easily be decided by asking them whether they would like to return to the situation in which they were before, and to remain there? The advocates of Repeal declared, that they were desirous of preserving the connexion between the countries. He did not precisely understand what they meant by connexion, or how it was to be preserved under the form of Government they would establish. He felt more strongly on this point than some Gentlemen did: they contended that the Repeal of the Union would lead to separation. He considered that it was, *ipso facto*, a separation. He was almost ashamed to return to the question of the Regency, which had been brought forward so often. The hon. member for Dublin said, that the King, *de facto* in England, was the King *de jure* in Ireland; and that it was the same with regard to the Regent. Now, this was tantamount to saying, that the Irish Parliament had no right whatever to deliberate upon the subject. He admitted, however, that if this was the only point of difference, it would not be an obstacle, provided the Irish Parliament was ready to give up its right on that question; but this was merely an exemplification of the thousand causes of difference which might arise from time to time, and which no man could foresee. For instance, there was a contest now going on in Portugal between Don Pedro and Don Miguel. Now, suppose Ireland had got back her independent Parliament, and that the principles of non-intervention were out of fashion, and that the one country determined to support Don Pedro, and the other Don Miguel. He was aware, that it was the prerogative of the King to declare war, but he must be guided in doing so by the opinion of his Parliament. In that case we should have hostile armies of Englishmen and Irishmen meeting together to shed each other's blood in the field of battle. And this was the way in which they were to preserve the connexion, and to keep up the feeling of cordiality between the two countries. Hanover appeared to him a case exactly in point. Hanover was connected with us by the link of the Crown, but it was not an integral part of the British empire; it was a member of the German confederation, and it was the custom, in times past, in wars between England and the Continental Powers, to respect the neutrality of Hanover. The hon. member for Dublin, however, said, that he would have the countries connected by a federal union. Switzerland was governed by such a system, as also America. But America was an example of the inherent weakness of that system, and he was convinced that, by its adoption, they should leave the door open to all the elements of discord, without gaining any advantages by it; for the ambition would be to be members of the imperial, rather than of the local Legislature, and absenteeism would continue just as much as before. The present state of society in Ireland was a strong reason against Repeal. Gentlemen said, that they had no desire to establish a Catholic ascendancy. He gave them full credit for what they said, but it must come notwithstanding. His hon. Colleague took some pains to prove that there could not be a Catholic ascendancy, because the King and the House of Lords were Protestant: he differed from him entirely on this point. Whatever might be the theory of our Constitution, any person who had looked at it practically, must see, that all power was ultimately placed in the lower branch of the Legislature. The constituent body was principally Catholic, and such as the Representative was, such would be the constituent. There would be a Catholic, or what was worse, a democratic ascendancy, entirely at variance with the principles of our Constitution. In England, the case was different; property had its influence, and agitation had less force; but in Ireland, the consequence of Repeal would be to give unlimited power to the democracy. Gentlemen said, however, that after two years, all would be right again—that was to say, that after they had gone through a purifying revolution of two years, property would resume its influence. This might be very good doctrine, but they must excuse those who had got anything to lose from taking their advice on this point. He confessed that, notwithstanding the great majority in that House, he looked with feelings of considerable apprehension on the continued agitation of this question. Its consequences must be most injurious to Ireland; and the longer it was allowed to continue, the more difficult would it be to remove, at any future period, the effect it produced. For the effects which were produced by the causes, whatsoever they might be, which tended to retard the prosperity of a nation, could not entirely cease when the causes themselves were removed; they took root in the soil; and the consequences of a mistaken policy on the part of the fathers, must be entailed upon their children. He would put it, then, to those hon. Members who agitated this question, and he would do so rather in friendship than in hostility, whether as they regarded the welfare of their common country, they ought not to yield to the strongly-expressed opinion of this House, and give up the point while they could do so with honour, and before they had raised a storm which they could not control; and to use whatever influence they might possess to calm the public mind, and to direct it into other channels. This was not like the Catholic question; the sympathies of men were always to a great extent, enlisted in favour of those who suffered under exclusion, and Catholic emancipation was always strongly supported by the ablest men of all parties. It was not exclusively a Whig or Tory question; for, although the Tory party was generally adverse, and the Whig party favourable to it, yet many of the most distinguished members of the Tory party were always favourable to it. But this Question of Repeal received no support from any party, and was merely a question of policy. How, then was it to be carried? Gentlemen should look at the difficulties of the case; did they think they could carry it against the entire opinion of this country, and against the wishes of the Irish gentry?—or would they wish so to carry it? They might indeed succeed in excluding the gentry from that House at a future election. He knew the force with which agitation might be brought to bear upon the constituency of Ireland; but if they did he was much mistaken in their feelings or their spirit, if they did not unite—setting aside all minor differences—into one great party, and the Table would be covered with petitions, calling upon that House to protect their rights and privileges, as subjects of the British empire, and declaring in firm, but respectful terms, that they were determined to resist a separation from it. The House was told, however, that the popular feeling was so strong that it could not be resisted; and he heard with some surprise the other day, the hon. member for Tiverton declare his intention of supporting this Motion, merely on account of the petitions which had been presented. He had not heard the question discussed, and it did not seem, that he wished or cared to hear it. Now, really considering that the hon. member for Dublin had required one million signatures—no extravagant number, certainly, if the question was to be carried by the mere weight of petitions collected from the mass of the population, and thrown upon the Table of that House; and that the petitions had proved a complete failure, he ought to vote the other way. But that hon. Member took a view of the duty of a Member of that House widely different from that which he (Mr. Christmas) entertained. He did not mean to advance the doctrine that that House ought to be independent of public opinion, when that opinion was steadily impressed by a majority of the thinking portion of the community; but times and occasions might arise when it would be the bounden duty of a Representative of the people—having necessarily, from his position in that House, a clearer insight into public affairs than those who were placed at a distance from them—not blindly to yield to popular clamour, but rather to resist it, and to point out to the people what was for their true and ultimate interest. Believing, that the close connexion between the countries was essentially necessary to the stability of the empire, and the welfare and happiness of both, he declared his intention to preserve, by every means in his power, the legislative and incorporate Union between them.

Colonel *Verner* said: After the lengthened discussion which has taken place upon the Motion before the House, I can assure hon. Members that I shall not occupy one moment more of its time than may be necessary for the very few observations I wish to make; and although I had provided myself with some documents in order to submit them to it, yet, at this late period of the debate, I shall not refer to more than one or two, and those shall be very short. I did entertain the hope that, after the impression made on the House by the splendid speech, and by the powerful, and in my humble judgment, convincing arguments of the right hon. Baronet, the member for Tamworth, the advocates of this measure would have spared the House all further discussion on the subject, and have permitted the amendment of the right hon. Secretary for the Treasury to pass without further opposition. In that expectation I have been disappointed, and I must admit that, in some respects, I do not regret it; for by the course which has been adopted by the advocates of this measure, additional proof has been afforded, that agitation is not to be allowed to cease in Ireland, and that repeal is the true prelude and forerunner of deeper and more dangerous measures: I trust, Sir, I may be permitted to make an allusion to a petition which I presented to the House this day, and which I consider, at this period of the debate, and after what has fallen from some Members as to the sentiments entertained by the Protestants of Ireland respecting the measure of Repeal, of very great importance. It is from the Protestant inhabitants of the county of which I have the honour to be one of the Representatives, and is signed by some thousands of persons, and cannot fail to remove the impression that the Protestants of Ireland, are favourable to Repeal. In order that the House may be enabled to judge of the influence that body is supposed to possess towards the accomplishment of this measure, at least in the opinion of some of its most strenuous advocates, I will take the liberty of reading two short extracts from letters addressed to the Protestants of Ireland on this subject, in December and January last, by the hon. and learned member for the city of Dublin:—'Protestants, if you think fit to co-operate with 'us for the Repeal, generously, numerously, and speedily, before twelve 'months, we may, without difficulty, have 'the Irish Parliament in College-green 'once again.' And, in his second letter, dated the 10th day of January last, he thus expresses himself:—'But should the 'Protestants decline to co-operate in the 'Repeal, yet that measure has, I now perceive, become inevitable. The Union 'cannot possibly continue much longer. 'Even without Protestant aid, it will be 'repealed. I go further, and verily believe, that even against Protestant resistance, Repeal will in a few years be 'carried. The truth is, that it is not Re'peal alone, but separation, which may 'be urged on by the present indecision of 'the Irish Protestants.' I hope this declaration of that hon. and learned Member will have its due weight with his Majesty's Ministers; and I leave it to the House to judge, whether the Protestants of Ireland are the persons on whom those who advocate Repeal may rely for support. The right hon. Secretary of the Treasury has justly said, that the Motion which has been made by the hon. and learned Gentleman, is not the same as that of which he originally gave notice. I am not surprised at the change. His recent experience must have satisfied him, that very great consequences may follow very slight alterations. Had the hon. Member in all respects observed the precedent he was the first to set, successfully, and taken the House by surprise—had he made the change, and not given the usual notice when a new Motion is made—it is difficult to conjecture how many supporters the love of novelty, and the admiration of a boldness which disregards all form, might have secured him, and how many of those Gentlemen who grace the opposite Benches, might have divided in favour of a Motion which, because it has not come upon them by surprise, they are now disposed to negative. I am not one of those who are so enamoured of change, as to alter my purpose or my vote for any technical alteration. I had made up my mind how I was to act, when the Motion for Repeal was first brought forward; and I do not hold that the question has been substantially altered by being changed into a Motion for a Committee. The question of the Repeal of the Union is one, which, in the judgment of many wise and good men, involves a consideration of no less magnitude than of national dismemberment. Come it soon, or come it late, an independent legislature in Ireland, will, it is said, be followed by independence in the executive, and a country which has hitherto constituted much of the strength of the British Empire will become changed into a precarious ally, or perhaps assume the part and place of a jealous rival, or, even in the hour of England's sore peril, of a bitter enemy. I do not know how far the House may concur in apprehensions of this character, but I would earnestly call the attention of his Majesty's Ministers to the propriety of considering well before they lend their aid to break down the only auxiliaries in Ireland, to which England could look to guard her interests and her honour. It is very apparent, from the arguments, and from the exertions of the hon. and learned Gentleman, the representative of the city of Dublin, both in the House and out of it, that all which he conceives necessary for the attainment of his object, is the adhesion to his plan of Irish Protestants. It is generally understood that the Roman Catholic population of Ireland, are, almost to a man, favourable to the measure which he recommends, and all that he requires is, that the chorus of their cheers should be swelled by Protestant voices, in order to its becoming irresistible. There was a time when he might as well have called on " spirits from the vasty deep," as court the suffrages of the loyal Protestants of Ireland; and when Britain could rely on her Protestant subjects in my country, with a confidence to which their unwavering fidelity, and their tried valour, in the perils and difficulties of many critical periods, had amply entitled them. The state of Ireland, as it affects the question under debate, is briefly this:—One portion of its inhabitants, and that by far the larger, has never forgiven England her victory over them. They look to the Repeal of the Union as a measure which implies a repeal of the Act of Settlement —a restoration of forfeited possessions— a measure by which they will be able to feed the ancient grudge they owe a country, which, they proclaim, holds them in thraldom. I am not speaking the sentiments entertained by the educated, whose habits of living and thinking bear the traces of culture and refinement, and who respect settled law and recognized property. I am speaking of dark and turbulent passions, which have been kept in constant commotion, and which, whether in a storm, or sleeping, ought to be dreaded. I speak without reserve, the times requires plain speaking; and I do affirm that, with the great mass of the population of Ireland, Repeal of the Union, separation from England, and re-assumption of forfeited estates, have all the same meaning; those who know Ireland well will not dispute my affirmation. On the other hand, there is a body comparatively small in number, but in all that constitutes moral strength powerful, from which, up to the present day, the most strenuous efforts might be expected to befriend the interests of British connexion. Such are our two parties in Ireland. The one has never been allured to regard England even with complacency—the other has never wavered in its attachment, and is untainted with a single thought of disaffection. And what is the process to which these parties respectively are made subject? Government appears secure of the one and thinks by insulting and outraging them to win a toleration from the other. They would induce the violent to put on good behaviour, and care little, if in the endeavour they goad the mild and obedient into evil. This is a fatal game to play, and Great Britain may lose the most faithful friend that ever did honour to any cause, and have the mortification to find that she has obtained in exchange only the scorn of those she vainly thought to conciliate. Already have the Protestants begun to calculate and to cool—they say, we can no longer look to England for protection —she allows our defences to be taken from us, or turned against us. She gives to those who hate us and hate her, countenance and encouragement; she contemptuously denies to us the ordinary rights of subjects. Many have quitted their country—many are leaving it; some few have deserted their old professions. A body still remains faithful and resolute; and it seems the desire of a rash Government to sport with the feelings, and explore to try and find a weak point, and let it be exposed to their adversaries to practise upon. All these points of weakness are not neglected by crafty enemies. While Government despises, faction courts, the insulted Protestant: his wrongs are dilated on—and he is led to believe that by joining in the prosecution of desperate measures, he may better his condition and gratify his revenge; and thus is our country exposed to dangers by which it was never before assailed; when at the same time the seductions of the disaffected, and the slights and scorn of the Government are at work, to make the Irish Protestant disloyal. The House will judge what unhappy consequences have resulted from these combined, though opposite exertions. When I say, that there are many and many whom I respect, who consider a vote given in aid of a Ministerial measure misapplied; who think, that his Majesty's Ministers, if they are sincere, are not resolute in their opposition to the project for which Ireland is now agitated—and that it is unwise to countenance, even by a silent vote, the delusion, that they will ever prove worthy champions of British connexion. For such reasons, much as I may regret the occasion of them, I cannot depart from the course in which I have, during my past life, walked. Neither the affronts I may myself experience, nor the injustice to which I see my friends exposed, shall cause me to confound the case of the people of England, with the demerits of the ministry who unwisely govern them—but so far as I have the power, it shall be my constant endeavour to defeat the efforts of any party, or the tendency of any measures, whether of the Government or the Opposition, to separate my country and this, and to make the forsaken Protestants forget that Englishmen are their brothers, and will not long abandon them to the fury of their enemies, or the persecutions of those who ought to be their friends. I thank the House for the patient hearing it has afforded me; and although there are other topics upon which I should wish to have said a few words I shall no longer trespass upon its time.

Mr. *Hume* said, that the interest which he had formerly taken in all discussions relating to Ireland would, he hoped, induce the House to pardon him for the anxiety which he felt, before the close of the debate, to state the view which he took of that most important question. The hon. member for Wexford had stated a great portion of matter in which he concurred. He considered the question to be one of vital importance to both countries, and that it had not been soberly dealt with in the course of the debate. Three-fourths of the discussion had gone away from the immediate subject under consideration; it ought to have been argued in the way in which it was originally submitted to the House. He thought, indeed, that hon. Gentlemen had been fighting with the winds on many occasions, and that they had not applied themselves to the terms of the Motion, which stood thus:—"That a Select Committee be appointed to inquire into and report on the means by which the dissolution of the Parliament of Ireland was effected; into the effects of that measure upon Ireland, and upon the labourers in husbandry and operatives in manufactures in England; and on the probable consequences of continuing the Legislative Union between both countries." Now he would ask, was there one word about the Repeal of the Union in this Motion? The speech of his hon. and learned friend, who had introduced this Motion, stated, undoubtedly, what his views and intentions were—thus making it a question of Repeal, and calling upon every man in the House to this, as the principal object of his Motion. But he would ask any individual who had not heard the Motion read, and had heard the subsequent discussion, to refer to the course which had been adopted by his Majesty's Government with a view to put down the question. Suppose a person to read the Amendment recorded in the Journals of the House, as an answer to the Motion of his hon. and learned friend, he would ask whether the address which had been proposed as an Amendment by the right hon. Gentleman, was applicable by any kind of reference whatever to the Motion before the House? He confessed that, as it appeared to him, they were playing at cross-purposes; and he would say, as regarded the documents before the House—let any man read them, and that man would be satisfied that they were wrong in the course which they had pursued. With regard to the first part of his hon. and learned friend's proposition, he had no hesitation in saying, that he should think it loss of time to inquire into and report "the means by which the dissolution of the Parliament of Ireland was effected." He regretted as much as any man could, the bribery, the corruption, and abominations which had taken place at the Union; but the intention of the Government was good, and he did not think that any benefit could result from the inquiry contemplated by the Motion. How far the "labourers in husbandry and operatives in manufactures in England," were or were not affected by the Union with Ireland (unless indeed, it were now proved that by the Union the surplus population of Ireland was sent over to this country, and thus affected our manufacturers) might be a matter to be inquired into. He believed, however, that the fact was generally admitted, and he did not think it a subject which ought to occupy the attention of the House. But as to that part of the Motion which included the consideration of "the probable consequences of continuing the Legislative Union between both countries," he thought that the whole matter hinged upon that topic. There was, however, no man in that House who was more convinced of the necessity of completing the Union and maintaining it than he was. And he never would, either in or out of that House, say or do anything to dissolve that Union. He did not believe, that his hon. and learned friend would advocate Repeal, if he could secure good Government for his country. Nay, he had heard him, before this subject was agitated, declare that if the results of the Union—peace, satisfaction, concord, and prosperity, and the termination of those turmoils which now afflicted Ireland, were ensured; if he could see those beneficial results brought about, he had in view nothing beyond that object. He, therefore, believed that his hon. and learned friend had referred to the question of Repeal, under the belief, that the Imperial Parliament would never consent to redress the evils of his country. Under that feeling, he believed he had proposed to his countrymen a measure which must lead to the separation from England. He thought, however, that his hon. and learned friend was mistaken in the course which he had pursued; and he thought that though former Parliaments, to their discredit, continued abuses, still a change had since taken place. At the same time, though it was a Reformed Parliament, it was one which he believed to be equally faulty with its predecessors. He thought he should have no difficulty in showing that many of its Acts were worse than those of its predecessors. This was a fact which he should be ready to prove, for he had only to allude to the Coercion Bill of the right hon. Gentleman, now Secretary for the Colonies (Mr. Stanley), which, in another place, was only considered valuable because it contained severe enactments. But gave to Ministers the reputation of having added to the evils of the country. He would ask what advantage was proposed by the introduction of the Union? Was it not brought about with a view to put an end to the anarchy which existed at that period? But in what manner had the Government of this country attempted to carry that object into effect? If his own opinion were worth anything, he would call upon the House to attend to it; but he would not detain them by doing so. He thought that the very nature of the Motion now under consideration was sufficient to show that Ireland had suffered greatly under the late as well as the present Parliament. He would tell his hon. and learned friend who introduced this Motion, as well as those hon. and right hon. Members who followed him in the debate, that it was not necessary to lay before the House a historical account of the early state of Ireland in order to show that that country had suffered a long system of oppression and mismanagement. This was a fact which no man in that House pretended to deny. The Union, it was said, was to put an end to all this; but since the period of its passing little or nothing had been done for that unhappy country. Those, however, who gave credit to the speech of the right hon. Secretary (Mr. Spring Rice) would be led to suppose that all had been done that could be done for that country. [*Cries of* "*No, no.*"] The right hon. Secretary of the Treasury certainly said or implied as much—["*No, no.*"]. He certainly so understood the right hon. Secretary who took up nearly half-an-hour in enumerating all the good things which had been done for Ireland since the Union. But in reality what had been done for Ireland since that period? He would tell them, and in doing so he would quote an observation or two from a speech made by the right hon. Secretary. He would not refer to what had been said on the Motion of Sir J. Newport, respecting Ireland, in 1822, which had already been so much quoted, but to what fell from the right hon. Secretary, on a Motion of Lord Castlereagh, in the same year:—'The House had been 'confidently told, by the noble Marquess, 'said the right hon. Secretary, that the 're-enactment of the Insurrection-law, 'with the passing of the Habeas Corpus 'Act, would serve effectually to put down 'the present disturbances in Ireland. But 'how could the noble Lord rely so much 'upon the efficacy of laws which, having 'been already tried, had proved totally 'ineffectual to the restoration of tranquil'lity in Ireland? They had been ineffec'tual, because within the long period that 'had elapsed since the Union was carried, 'no inquiry had been instituted, no at'tempt had been made to ascertain, or to 'remedy the real and general grievances 'of Ireland.'* These were the opinions of the right. hon. Secretary, (whom he was sorry to see was not in his place), in 1822. But now his opinions were changed; at present he wished it to be understood, that every thing had been done which could be done for Ireland—[*Cries of "No no" from the Ministerial benches*]. He should like to know what hon. Members meant by that cry of "No, no!" Did not the right hon. Member say so [*"No, no."*]? He certainly could not otherwise understand the following passage in the Resolutions proposed as an Amendment, by the right hon. Secretary:—'We humbly 'represent to your Majesty, that the Im'perial Parliament have taken the affairs 'of Ireland into their most serious consi'deration, and that various salutary laws 'have been enacted since the Union, for 'the advancement of the most important 'interests of Ireland and the empire at 'large.' Was this statement consistent with the sentiment contained in the right hon. Secretary's speech in 1822? He believed, that the warmest supporters of the right hon. Secretary would hardly contend that it was. He would shortly advert to the last passage of the Resolutions, in which they were pledged to 'per'severe in applying their best attention to 'remove all just causes of complaint, and to 'the promotion of all well-considered mea'sures of improvement.' Without saying how far this last Resolution was borne out by the fact,—without asking whether they had ever applied their best attention to remove just causes of complaint,—he would inquire, whether the greater portion of the speeches made on this question had not consisted of attacks upon the character and conduct of the hon. and learned member for Dublin? And when the word "Agitator" was mentioned, whether it was not received with cheers? But did they believe, that the conduct or influence of any one man could produce such effects as they had witnessed in Ireland? No; they might rest assured, that there must have existed grounds, and strong ones, too, for dissatisfaction; there must have existed grievances of long standing, to which the people despaired to see any remedy applied, before any individual could obtain such influence. These things it was, that must have turned the people's minds towards their agent (for their agent the hon. and learned Member was, and very properly so), and they rallied round him and looked up to him, and the more particularly so, when they found their former friends and advocates deserting them, and taking shelter in the enemy's camp; finding themselves solaced with places and pensions as the reward of their change of opinions. He would now call the attention of the House to another passage in the speech made by the right hon. Gentleman, in 1822. At that time, my Lord Castlereagh complained, that Ireland was torn to pieces by internal agitation. Upon that occasion the right hon. Member (Mr. Spring Rice) used the following observation:—"Lord Bacon has said, that to allay discontent and dissatisfaction, you must expel the matter of sedition. So he would say to the noble Lord, that to expel agitation they must remove the matter which occasioned it." But no attempt of this kind had been made to remove the causes of this discontent, and the hon. and learned member for Dublin had been made an agitator by the Government, or, he ought more properly to say, the misgovernment of Ireland. That hon. and learned Member had been pointed at,—he had been alluded to, and attempted to be excluded, all but by name, upon the passing of the Emancipation Act. But, previously to passing the Reform Bill, much cause of discontent was given, more than 240,000 persons were, by one Act, deprived of their rights. In every case of severity, a greater degree of it was meted out to Ireland than to England. In fact, injustice was continually done to Ireland. In support of that assertion, he would remind the House of the opinions expressed by the Whigs of 1832, upon the same Motion to which he had before alluded. The hon. Baronet, the representative for Westminster (Sir F. Burdett), asked,—"Whether it was to be tolerated that Ireland was to know nothing but what she was taught through bloodshed and the gibbet?" Here the House had the testimony of two hon. Members, who at the time sat on his side of the House, that Ireland had not been fully or fairly dealt with. Notwithstanding all this, however, he did not intend to vote for the Repeal of the Union, because he felt that that measure, instead of bettering the condition of Ireland, would add to her sufferings, and, at the same time, be productive of injury to England. Ever since he had had the honour of a seat in that House there were two main and standing grievances on the part of Ireland; the first was the Catholic disabilities, and the second, the evils arising to the people generally from the existence of a dominant Church Establishment. The disabilities under which the Catholics laboured were removed by the Emancipation Bill; but was this sufficient to justify the right hon. Secretary in stating, that every thing had been done for Ireland that could be done? The domination of the Established Church still continued, and was felt as a burthen. Was it the fault of the people that they felt their grievances and complained of them? Was it their fault that they knew their rights and demanded them? The House, instead of delaying to remedy those evils, ought to present an Address to his Majesty, declaring the existence of those evils, and expressive of their desire to redress them. What was the present state of the Church Establishment in Ireland as it affected the Roman Catholic population? Upon this point he would, with the leave of the House, read a few extracts from the letter of a noble personage, late a high functionary in Ireland, whose opinions must, doubtless, have much weight with both sides of the House. It was a letter purporting to have been written by the Marquess of Anglesey to Lord Grey.

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* Hansard, (new series), vol. vi. p. 122.

Mr. *Littleton* asked the date of the letter.

Mr. *Hume* said, 1832.

Mr. *Littleton* asked from whence the letter came to him (Mr. Hume)?

Mr. *Hume* said, in a low tone, "From a Gentleman near me."

Mr. *Littleton* wished to have the precise date of the letter.

Mr. *Hume* said, he would hand him the document altogether in a few minutes. The hon. Member then proceeded to read the extracts. Speaking of the Protestant Church in Ireland, the noble Marquess said, 'This Establishment, which has always exceeded the religious wants of the Protestant congregations, has hitherto been upheld by the State, merely upon the ground, that it consolidated the connexion between the two countries.' [This, said the hon. Member, was, truly, a pretty reason why a Church should be supported.] 'But this service it no longer performs. Instead of strengthening the connexion, it weakens it. Any Government henceforth pledged to maintain that Establishment as it now exists, must be brought into constant and permanent collision with public opinion, and the prejudices and passions of the Irish people.' Good God! was it possible that any Ministry should continue to support such a system as this? Was it possible that any man could be found to support it? There was, perhaps, no wonder that a Tory might be found who would go to great extremes in support of the Church, and consent to give them a fee simple where they had only a life interest. But why should the present Ministers act thus? The present Government were acting under a mistaken feeling, which was fast sinking them, and they were dragging with them a liberal House of Commons, by whom they had hitherto been supported in an extraordinary manner. They were acting, too, directly contrary to those principles by which they had been actuated when out of office; but he begged pardon of the House for thus trespassing upon their attention, and would proceed to read the extracts from Lord Anglesey's letter:—'However attached myself to the doctrines of the Protestant Church, and however anxious to discountenance any violent changes in its temporal condition, it is impossible for me not to see, that the prevailing resistance to its legal pecuniary claims is only symptomatic of a deep-rooted, widespread conviction in the minds of the Irish community, that the continuance of this Establishment, in its present extent and splendour, is no longer justified by the condition of this country; and that the time has arrived for such just and practicable reforms in respect of it as may eventually place at the disposal 'of the State a national fund, to be applied to necessary national purposes. 'Such,' Lord Anglesey went on to observe, 'I have been reluctantly compelled to feel, 'is the general and unchangeable opinion 'of the Irish people upon this subject; 'and I am equally impressed with the 'apprehension, that, unless the Parliament takes the lead in the work of now 'inevitable innovation, the recent confederacy against tithes will prove to have 'been only the first of a series of deplorable struggles between the Government 'and the national antipathies,—that every 'day during which those struggles are 'protracted, the Government will find 'itself less in a condition of imposing its 'own terms,—and that, sooner or later, 'the final result must be, an extorted and 'undignified compliance with demands 'which we had not the foresight, or rather, 'perhaps, the power to concede.' No words could be more prophetic than those of the noble Lord. Concession after concession had taken place, and the late right hon. Secretary for Ireland (Mr. Stanley) had, amongst others, been obliged to retrace his steps. He had succeeded first, however, in having made the King a tithe-collector; at least, he had it provided, that tithes should be collected in the King's name; and, in order to effect this, he (Mr. Stanley) called for the whole constabulary force of the country. He was told, that he would fail, yet he succeeded; but how? Why, he succeeded in raising 12,000*l.* at an expense of about 28,000*l.* There was no measure proposed by the late hon. Secretary for Ireland which he was not obliged to retract. He called upon the right hon. Secretary, or his friends, to name one act which the right hon. Secretary had not been obliged to give up. He had boasted of his measures in triumph, but those measures had failed; and, after pronouncing tithes extinct, and declaring that the law should be vindicated, the right hon. Gentleman had no alternative but to come to that House, and ask for greater powers than had been intrusted to any other Government, to collect the tithes which he had said were at an end. He would now read some further extracts from the letter:— 'I know, that the times have passed when 'the will of the Minister could determine 'the acts of the Legislature, still I cannot 'refrain from urging on the attention of 'my colleagues the claims of this suffering 'and too-long neglected country to a participation in the benefit of that enlightened policy which has already conferred 'so much benefit on other parts of the 'empire.' That letter was signed "Anglesey;" and it was dated, "Phœnix-Park, Oct. 9, 1832." Surely, if the statement were correct, and he thought it was, the Imperial Parliament had neglected the just demands of Ireland. How, then, he should like to know, could hon. Members, who admitted this fact, consent to an Address, worded in the way proposed by the right hon. Gentleman? The course of proceeding which he suggested, was a most singular one. In his opinion, it was unconstitutional, as well as unusual. He had never been able to find one single instance in which that House interfered, by Address, in order to put a stop to inquiry. The right hon. Gentleman had, as Lord Anglesey had said, been disappointed in all his measures of government, and had been obliged, most unwillingly, to give up point after point. Nor could he expect to succeed in overcoming the feelings of Ireland on the subject, till full and ample justice was done to her by the Imperial Parliament. If Parliament had, as the Address declared, done all that could be done for Ireland, that country would be in a very different state to that in which it now was. When the right hon. Gentleman talked of the increase in her exports and imports, he forgot, that the population of the country had doubled, and that, on that account alone, a large increase was to be expected. But the improvement of Ireland could not be fairly estimated by such calculations; and if they instituted a comparison between the increase in England and that in Ireland during the same period, they would find the proportion of the former greatly to exceed that of the latter. But the real question, after all, was not, what was the amount of exports or of imports, but what was the comparative comfort of the mass of the people before and since the Union? If he referred to the evidence given before the Committee, of which the right hon. Secretary was Chairman, he found it almost unanimously stated, that Ireland never was in a more wretched condition than during the last seven or eight years. It was but of little consequence what a country produced, if the inhabitants of that country partook not of that produce. In fact, it was perfectly clear, from that evidence, that Ireland had not enjoyed what she was entitled to have,—good government, peace, and order. Whilst on this subject, he would call the attention of the House to a debate that occurred on the 24th June, 1823, when Sir Henry Parnell delivered a speech which, putting aside the statistical details, most completely corresponded with the tone of Lord Anglesey's sentiments. He said : "Another way of judging of the state of disturbance in Ireland, is by referring to the Statute-book; from this it appears as follows :—

	Years.
That the Insurrection Act was in force from 1796 to 1802 - - -	6
That Martial Law was in force from 1803 to 1805 - - - -	2
That the Insurrection Act was in force from 1807 to 1810 - - -	3
That the Insurrection Act was in force from 1814 to 1818 - - - -	4
That the Insurrection Act was in force from 1822 to 1823 - - -	1
	—
Out of a period of 27 years, these laws were in force for - - -	16

But in addition to these two Acts, others of a similar unconstitutional kind have been passed within the same period. The Habeas Corpus Act was suspended from 1797 to 1802; again, from 1803 to 1806; and again in 1822. The Arms Act, allowing domiciliary visits, and prohibiting the use of arms, was in force from 1796 to 1801, and has been in force from 1807 to the present time, and now forms part of the standing law of the country. The Peace Preservation Act, by which a regular gendarmerie was appointed, has been in force from 1814 to the present time. Taking together the periods of disturbances, as before-mentioned, with the periods for which the Martial-law and Insurrection Acts have been in force, we obtain the following table of actually existing disturbances in Ireland :—

Period.		Years.
1 From	1792 to 1802 - -	10
2 —	1803 to 1805 - -	2
3 —	1807 to 1810 - -	3
4 —	1811 to 1818 - -	7
5 —	1819 to 1823 - -	4
		—
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That is, out of a period of the last thirty-one years, no less than twenty-six years have been years of actual insurrection or disturbance. The following conclusions may be drawn from this case of Ireland as to the means taken for suppressing disturbances. First, that as often as any disturbance has appeared, since 1795, it has been immediately followed by some new law of a severe and coercive character. Secondly, that a regular system has thus grown up, and been constantly acted upon, of dealing with discontent and disturbance with severe and coercive measures. Thirdly, that this system has completely failed; for, in the place of discontent and disturbance being diminished, great as they were in 1795, they are still greater at the present moment."* From that, then, the House must see that twenty-six years out of thirty-three were years of disturbance. He attributed that condition of the country to various causes, amongst which, were the delay of the measure of Emancipation, and the state of the Established Church. There was no subject of which the Irish complained more, than the state of the Church. Let hon. Members endeavour to conceal the fact from themselves as they pleased, it was impossible not to come to the conclusion that this was the case; it was impossible not to admit, then, that the compulsory payment of tithes, was the cause of almost every disturbance that had taken place in Ireland. He contended, Government had not dealt fairly and frankly with Ireland. Their course of policy should have been more manly; they should have fairly met the grievances of Ireland, and not have endeavoured to keep up, for temporary purposes, an overgrown Church Establishment. How was it possible the people should be satisfied, when they saw in what manner many of the acknowledged grievances of Ireland had been attempted to be remedied? It was but last year that the excitement and irritation produced by the Vestry-laws was terminated. How, then, could any conscientious man say, that the Imperial Parliament had acted justly towards Ireland since the Union, when Church-cess had only been so recently abolished? Let the House only refer to the speech of the right hon. Secretary, on the irritation produced in Ireland in consequence of Tithes, and he was sure they must come to the conclusion, that whatever might now be the inclination, the Imperial Parliament had hitherto neglected their duty towards Ireland. Why should not Ireland be treated like an integral part of the empire? Why should Ireland be governed like a province of England? Why should a Colonial Establishment be kept up there? Why should Ireland be managed by a Viceroy with a delegated establishment. The machinery of Government in Ireland was alone of such a nature as to create those factions and heart-burnings for which, unfortunately, that country was too well distinguished. How recently was it that Protestant ascendancy had received a blow in Ireland? Even now, the hon. and learned Member for the University of Dublin had, in his speech, expressed his regret at the change, which had taken from that party the overbearing, overwhelming influence which it lately possessed. The Irish people who were oppressed by this party, could not obtain justice against them; they were irritated by the denial of justice and protection, and were driven to violence as their only remedy. Until the last two or three years, no speech had been made from the ministerial side of the House in relation to Ireland, which had not for its object the use of force towards the discontented Irish people. Coercion had been the constant cry. It was in vain that the Members on the opposite side had called on Parliament to try the effect of a different system. Had this system been altered? Had not force also been the order of the day since the present Ministers came into office? He believed that there was now a greater army in Ireland than had ever been kept there before or since the Union. He complained of this, not only on the part of the people of Ireland, but also on the part of the people of England, for it was they who were called on to pay the expense of keeping Ireland as a conquered country. If the course which he recommended were adopted, he would venture to foretel that the power of agitation would cease. Popular as the hon. and learned Gentleman (Mr. O'Connell) deservedly was at the present moment, the powerful sceptre which he now swayed would fall from his hands; whereas Government, by keeping up these injurious institutions and laws, were themselves the real agitators, and the greatest enemies to Ireland. Above all things, the Government must remedy the abuses of the Church Establishment. The hon. and learned Member for the University of Dublin (Mr. Lefroy) had said that, in his opinion, the more powerful the Church, the better for the country. He thought, however, the hon. Gentleman would find few Members in that House who would agree with him in opinion. For his own part, it was impossible that he could agree to the Address, though the right hon. Gentleman had stated, that it was so worded, that every Member of this vilified Imperial Parliament would readily give his sanction to its amendment. As far as the original Motion of his hon. and learned friend was concerned, if it had not been for his speech, he should have felt no hesitation in voting for the words of his Motion. But his speech was so clearly a speech in favour of Repeal, that he felt he could not vote for the Committee, lest by so doing he should be held to countenance that measure. He thought they were bound first of all to try a little longer what this Parliament would do for Ireland before they encouraged the agitation of this question. Therefore, thus, did he not say, as many Gentlemen said, that nothing could ever induce him to become a Repealer: he was at present its opponent. But if he should find, that justice was continued to be denied to the people of Ireland—if they could not obtain their rights—then he thought the question was one that ought fairly and properly to be agitated. But whilst on the one hand he would oppose any Motion for Repeal, he should also oppose any Address which could have the effect of admitting that the Imperial Parliament had done everything for Ireland that it was in its power to do. In other respects the Address was entirely useless—for, but a few weeks ago, they had voted a similar Address, in which they had declared to his Majesty their earnest desire to preserve inviolate the integrity of the Union. He should, therefore, for the purpose of placing his views on record, submit, at the proper time, an Amendment for the consideration of the House. It was not the first time he had done so; and he had known many gentlemen who would have been glad if they had in time adopted some of those propositions emanating now from so humble an individual as himself. The hon. Member concluded by reading his proposed Amendment, as follows:—"That the present state of Ireland is afflicting to its inhabitants, and dangerous to the well-being of the United Kingdom; and although some salutary laws affecting the Irish people have been passed by the

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* Hansard (new series) ix. p. 1157.

Imperial Parliament, yet we deeply regret that the beneficial results anticipated from the Legislative Union have not been realized. The failure may, however, be attributed to the error of Parliament in refusing or delaying the redress of substantial grievances, and not applying more extensively those remedial measures, chiefly as regards the Established Church of Ireland, which a liberal and benignant policy would dictate. That we will now direct our best and earliest attention to the removal of all existing causes of just complaint, and to the application of such measures of improvement and reform, both in Church and State, as, by doing justice, will best promote the peace and contentment of the people of Ireland; and, by thus securing them the full benefit of the British constitution, increase their attachment to its principles, and give additional strength and prosperity to the united empire."

Lord *Althorp* thought, that some apology would be due from him to the House for trespassing on its attention at the present period of the debate, if he did not feel it to be his duty, on such a question as that under discussion, to state the grounds on which he founded his opposition to the Motion of the hon. and learned member for Dublin. The question appeared to be so exhausted, and the arguments which had been used against the Motion so conclusive, that he did not think it possible for him to introduce any new matter into the debate. Still he was anxious to make a few observations on what had passed during the discussion, and, as he had before said, to state the grounds on which he thought the question ought to be decided. The hon. Gentleman who spoke last, had observed, that one half of the speeches delivered in support of the Amendment consisted of attacks on the hon. and learned member for Dublin. He admitted, that many of the speeches might be so described; but he must also be permitted to say, that more than half of the speeches spoken in support of the original Motion were made up of quotations from the speeches delivered by his right hon. friend (Mr. Rice) in 1822. Indeed, he never recollected to have heard in any former debate so great a quantity of quotations as had been read on the present occasion. The noble Lord at the head of the Administration had been charged with inconsistency, with reference to the question of the legislative Union of England and Ireland. He could not, however, admit, that a man could fairly be accused of inconsistency, because he was an advocate for the continuance of the Legislative Union now, though he had opposed its enactment thirty-four years ago. Whatever might have been said by Earl Grey in 1799, in the eagerness of debate—and it should be recollected, that at that period, the question of the Union excited very warm discussions—the circumstances of the case were now completely altered. His right hon. friend (Mr. Spring Rice) had also been hardly used, because he was charged with inconsistency on account of a speech delivered by him in 1822, in which he complained, that the window and hearth taxes remained unrepealed, and that no steps had been taken to effect the commutation of tithe, or to secure Catholic Emancipation. Now, it so happened, that every one of the measures which his hon. friend expressed a wish to see carried in 1822 had since been passed by Parliament. The hon. and learned member for Dublin, in the course of his speech, went into a long detail of the ancient history of Ireland, which was admitted by all who had as yet spoken not to bear very directly on the question under consideration. It appeared to him (Lord Althorp) that the hon. and learned Member seemed to think, that during the whole of the early times to which he had alluded, Ireland was in a state of independence. If this was a correct account, what, then, was the use of the revolution of 1782, which undoubtedly had the effect of establishing to a very great degree the independence of Ireland? But he agreed with the hon. member for Cork, that in discussing this question, the House ought to look to the present circumstances of Ireland rather than to its condition in more ancient times. What the House ought to consider was, whether the Repeal of the Union would be advantageous at the present time to the empire at large, or beneficial to Ireland; for he was ready to admit, that the interests of the smaller country ought to be regarded as bearing in a most important degree on this question. The hon. member for Cork county had said, that the only ground on which he could vote for the Motion of the hon. and learned member for Dublin was, because he considered it as a preliminary step to the Repeal of the Union; and the hon. Member added, that he would not have given the Motion his support, if he had regarded it in the light of a mere Motion of inquiry. He would not undertake to say, whether or not Parliamentary tactics justified the course which the hon. member for Cork county proposed to take, but he must do the hon. and learned Member for Dublin the justice to state, that the speech delivered by him, made it perfectly clear, that the Motion before the House was one for the Repeal of the Union. Before he went further into the question, he wished to make one or two observations on the letter which had been quoted by the hon. member for Middlesex, and by the hon. member for Clonmel in his speech of last night. He believed the letter purported to be a private communication from the Marquess of Anglesey to Earl Grey. Now, if any such letter had ever been written by the Marquess of Anglesey, it would probably have been shown to him, but he did not think, that the quotations which he had heard, were very much like Lord Anglesey's style of writing. He had, however, communicated the substance of the quotations which were read last night to Earl Grey, and his Lordship stated, in answer to his inquiry, that he did not recollect ever having received such a letter as the one alluded to. It was always very difficult to prove a direct negative, but he did not doubt that, after what had fallen from the hon. member for Middlesex, he should be able to make a more distinct statement on this point.

Mr. *Ronayne* said, that he had not described the communication from which he quoted last night as a private letter. It purported to be a memorial addressed by the Marquess of Anglesey to his colleagues, and dated Phœnix-park, October, 1832.

Lord *Althorp* continued. The hon. member for Cork county had, in the course of his speech, made several appeals to him, and had done him the honour—a far greater honour than he deserved—to say, that he would entirely understand his argument. The hon. Member had assumed, that the fact of Ireland exporting at one and the same time corn and cattle was a clear proof of the ruin of her agriculture. He confessed, that he was not able to follow this part of the hon. Member's argument; but this he knew, that, taking the case of any individual farm, so far from the sale of cattle and corn at the same time being taken as proof of ruin, the farm would not be considered very prosperous, if the contrary was the case. The evidence of the hon. member for Kildare, before the Irish Committee, had been alluded to, and he had been represented as stating, that the consumption of meat in Dublin was much smaller since the Union than before it. He had looked into the evidence given by that hon. Member, than whom no one was more competent to speak on the subject, and he never had seen evidence more decisively proving the great improvement which had taken place in the agriculture of Ireland. He (Lord Althorp) might also come forward as a witness on this point. He knew the exertions which had been made by many gentlemen to improve the agriculture of that country—he knew the expenses which they had put themselves to for that purpose; and with these facts passing under his eyes, he could not suppose, that the agriculture of Ireland was in a ruinous condition. It had been said, that since the Union, the show of cattle at Ballinasloe fair had decreased, but he thought other reasons might be assigned for that circumstance, besides supposing any diminution in the amount of cattle in Ireland. At the time of the Union, it should be recollected, that Ballinasloe fair was the only one of its kind, while at the present moment many of the same sort were in existence. One hon. Gentleman said, "Let us keep our corn, and give us the means of consumption." He felt not the slightest doubt, that if the Irish possessed the means of consumption, they would keep their corn; but if they had not the means of consumption, of what advantage would it be for them to keep their corn? Under such circumstances, the only effect which the prohibition of the export of the corn would have, would be to restrict its growth, and injure the agriculture of the country. To show that he was not making an exaggerated statement, when he said, that the agriculture of Ireland had improved since the Union, he need only refer to the price of land before and since that period. Previous to the Union land in Ireland might be bought at from sixteen to eighteen years' purchase; while, in 1830, the Crown lands in the county of Longford, were sold at twenty-two and a-half years' purchase; in 1831, at twenty-seven years' purchase; and, in the county of Galway, in 1834, also at twenty-seven years' purchase. But though he felt it necessary at the present moment to make this sort of statement, he trusted, from what he knew of the inquiry now on foot with respect to the poor in Ireland, that the question would never again be discussed on such grounds. He felt confident, that the result of that inquiry would be to convince the House, that the condition of Ireland had not deteriorated. Indeed, the fact which had been stated—that 16,000,000*l*. of funded property had been transferred to that country since the Union—was a pretty good proof, that that measure had not been so pernicious as had been represented. He admitted, that this part of the subject was one of great importance, but he felt, that the mode in which it had been treated by the right hon. member for Tamworth, in his unanswerable speech, relieved him from the necessity of saying anything with respect to it. He had carefully attended to the whole course of the present debate, and he had not seen any attempt made to answer the arguments of the right hon. Gentleman. The only part of the right hon. Gentleman's speech which those in favour of the present Motion had ventured to allude to, was that in which he stated, that the Repeal of the Union would reduce England to the rank of a third-rate power. He (Lord Althorp), however, felt confident that when the right hon. Gentleman made that observation, he intended to allude to the empire generally, and not to England exclusively. The right hon. Gentleman stated—and not a single answer had been made to the assertion—that it was utterly impossible for the Repeal of the Union to take place without the separation of the two countries following; and he (Lord Althorp) thought, that those hon. Members who professed to have no desire for a separation were bound, before voting for the present Motion, to explain in what mode they thought the Government of the country could be carried on when the Legislative Union was Repealed. The House knew, that the experiment which was tried in Ireland, from 1782 to 1800, did not succeed very well—that, in fact, the two countries were very nearly separated, and suppose that, at the period of the regency, the principles of Mr. Fox had prevailed in the Parliament of Ireland, while those of Mr. Pitt were adopted by the English Parliament, could any one at all acquainted with the circumstances of the time, doubt that the separation of the two countries must have taken place? Suppose the Legislative Union repealed, and that, for the last two or three years, a separate Legislature had existed in Ireland; was it possible for any person knowing the opinions of the hon. and learned Member, and the party with which he acted, and knowing, too, that they would, at the present time, possess the greatest influence in an Irish Parliament, to suppose that the two countries could remain connected? He was aware, that the advocates of Repeal professed themselves ready, in the event of any necessity for the appointment of a regency arising, to acquiesce in any measure which should receive the sanction of the English Parliament. But on this supposition, the Irish Parliament would be obliged to make its general policy conformable with the English Parliament; and the Repeal of the Union, therefore, so far from giving to Ireland an independent Legislature, would have the effect of placing her in the dependent situation in which she stood previous to 1782. Such being the case, he could not conceive how it was to the advantage of Ireland in a political point of view, that the Repeal of the Union should take place. The hon. member for Cork county had stated, that he disapproved of the Irish Parliament, and the hon. and learned member for Dublin said, it was not dead, it only slept; and the effect of his Motion, if carried, would be to awaken it. He (Lord Althorp) did not know what power that House would have to legislate for Ireland, if a separate Legislature was to be established in that country; and how that Legislature could be established there, except by means of the English Parliament, he was at a loss to decide. It had been said, that the promises made to Ireland at the time of the Union had not been kept. He was perfectly ready to admit, that the postponement of the Catholic question had been productive of great evil, not only to Ireland, but also to this country; and those hon. Gentlemen who had shown so much industry in searching after old speeches for the purpose of quoting from them, ought to know that the advocates of Catholic Emancipation always maintained, that nothing was done for Ireland until that measure was carried; and though they were willing to co-operate with the Irish until justice was done them in that respect, yet, afterwards, they claimed to themselves the right to resist any such question as the one raised on the present occasion. But it was argued, that the Irish Parliament would have granted Catholic Emancipation; and, in proof of this assertion, the partial relief conceded in 1793 was appealed to. What, let him ask, was the history of that measure? When it was introduced to the Irish Parliament in the previous year, on the Motion of a Member unconnected with the Government, it was rejected in an ignominious manner. And it was only carried when brought forward by a Minister of the Crown. He might, perhaps, be told, that Catholic Emancipation was carried in this country only when it was taken up by a Minister of the Crown. He admitted, that it would have been difficult to carry that measure by any other means; but if a separate Legislature had continued to exist in Ireland, he did not think that any Minister of the Crown would have been found ready to propose a measure for Catholic Emancipation in that country. The question before the House had been so amply discussed, that he felt some apology was due for having trespassed on the time of the House; and he should, therefore, conclude by stating, that he should vote for the Amendment moved by his right hon. friend (Mr. Spring Rice). He must, however, say one word in explanation of the meaning of the Amendment, which had been assumed to declare, that everything which ought to be, in justice, had been done for Ireland. If that had been the meaning of the Amendment, he for one should not vote for it; but he believed it would be found to be susceptible of a very different interpretation. As he understood the Amendment, it declared that the Imperial Parliament had paid great attention to the affairs of Ireland, and that it was ready to do all that was needful for the benefit of that country. That Parliament had bestowed great attention on the affairs of Ireland he thought no man would deny; and he for one rejoiced in the fact, and considered the exemplary patience with which the House had listened to the whole of the present discussion to be most gratifying, as affording another proof of the anxiety which it felt to discuss fully any matter relating to Ireland.

Mr. *Lalor* denied the accuracy of the statement made by the noble Lord, that agricultural prosperity had increased in Ireland since the Union. The report of the Committees of that House on the state of Ireland, proved that the contrary was the fact; and he could not but express his astonishment when he heard hon. Gentlemen, with such evidence before their eyes, persevere in asserting, that that country was in a happy and flourishing condition. The figures of the right hon. Secretary were fallacious—every calculation and statement he made was contradicted by facts. Ireland, before the Union, had been in a comparative state of affluence, but now, in consequence of that baneful measure, agriculture was all but extinct, while there remained scarcely a shadow of trade or manufacture. Even from the figures of the right hon. Gentleman, it appeared, that the consumption of wine, sugar, tobacco, and such articles had considerably fallen off since the Union. If anything stronger than another could be quoted to prove the necessity of Repeal, it would be the very calculations now produced. He had asked English gentlemen, who expressed suspicion at the statements made by some Irish Members, whether they had any practical knowledge of the state of that country. They replied, they had not, and that all their information was derived from the newspapers and the speeches they heard in that House. Ireland, he would now tell them, was, at present, one general alms-house, and nothing was so deplorable as the condition of the people. If the Union was not the cause of that distress, it was an odd course to pursue to refuse a Committee to inquire how it had happened.

Mr. *Edward Ruthven* was disappointed, that the noble Lord opposite had not explained to the House the principle on which the Government opposed the demand for the great national inquiry sought for in the proposition of the learned member for Dublin. It was only a few days since a Committee to inquire into the state of Canada—a case where certainly the character of some members of the Government was at stake—had been agreed to; and another Committee had not been objected to, when the conduct of Baron Smith was to have been matter of inquiry. It really seemed as if the grievances of Ireland were not to be probed, and that a Whig Ministry inquired only into matters that suited its own purpose: The right hon. Secretary for the Treasury had, in a speech filled up with tropes of arithmetic, long calculations, and to him tiresome returns of excise and customs, described Ireland to be most prosperous in her commercial, agricultural, and manufacturing interests; but he must be allowed to deny the correctness of that statement. He did so, from his knowledge of the country; he judged from actual observation. He compared the two countries, England and Ireland. Traverse them from north to south, from east to west—the appearance of Ireland proved her wretchedness. With a fertile soil, and industrious inhabitants, they were starving in millions—fed on bad and scanty food, their clothes of the worst description, their houses not better than the den of the wild beast of the desert—all amidst the right hon. Secretary's prosperity! Why did he not tell them the annual consumption of England was fifteen million quarters of wheat, one quarter for each person—that there was yearly used in this country, 500 million pounds of sugar, twenty pounds for each individual; and that the food of the population of Ireland was potatoes and sour milk? What had been done for Ireland? The Whigs gave her a Coercion Bill—they promised abolition of tithes, and they unfurled the standard of the dominant Church of the aristocracy against the people of Ireland, and began a crusade, in which blood has been shed, against the consciences of a whole people. The hon. member for Belfast followed in a speech of figures also. He had attempted to prove the prosperity of the linen trade of Ireland; he talked of exports. He deceived himself; he must be ignorant of the subject; the linen trade was not prosperous. The man whose money was embarked in that trade had not the fair profits he once enjoyed; the operative weaver had not the same wages he once received. The manufacturer who had 10,000*l.* engaged in the linen manufacture, and who formerly made 1000*l.* a year, now could not make 500*l.* The weaver who formerly worked ten hours a-day, and had twelve shillings a-week, now worked fourteen hours a-day, and earned only six shillings a week. Low wages, small profits, and increased risks were not proofs of prosperity. The lively hum of the spinning-wheel was no longer heard in the well-kept cottage of the northern peasant, and his poor countrywomen were unemployed and idle. The hon. Gentleman had talked of agitation—of the ardent temperament of the Irish people—of America, too green in her catastrophe. His speech was one of real agitation—of agitation mischievous to the best interests of Ireland. He had dealt largely in bitter invective against the Catholic priesthood; but he knew them not. What was the actual, the real situation filled by that respected body of Ireland's best friends? The gentry of Ireland were absent themselves from their country—they separated themselves from the interests of the people—and the place they might occupy was filled by this much maligned and traduced priesthood, who, possessing all the acquirements of education, and as much gentlemen as any hon. Member of that House, administered to the wants of the people around them to the greatest extent of their means; and when unable to bear the too heavy burthen thrown upon them, were neither ashamed of, nor deterred from seeking those who would assist in the cause of charity. These were the men whom the enemies of Repeal calumniated. The right hon. Secretary for Ireland had given every man whose mind was unbiassed, the most ample reason for becoming a Repealer, in his utter ignorance of that country. He had said, that Repeal was not of natural growth; but he knew not Ireland nor her wants. He did not blame the right hon. Secretary, as the office of Irish Secretary was one of mere apprenticeship for men who from it generally rose to titles or to higher places. The Irish people suffered from the insufficient acquaintance of the right hon. Secretary with their country—his sources of information were polluted—the whole system of Irish Government was corrupt, even as were the means used to carry the Act of Union. The Lord Chancellor had 8,000*l.* a year — his sons dedicated to martyrdom on the altar of their country, had—the first, Dean of Down, 3,000*l.*; the second, Chairman of Meath, 1,000*l.*; the third, Vicar of Bray, 800*l.*; the fourth, Counsel to the Chief Remembrancer, 500*l.*; the fifth, Prothonotary of the Court of Common Pleas, 1,500*l.* a year: his brother-in-law, Mr. M'Causland, was solicitor to the Society of King's Inns, to the Foundling Hospital, to the Board of Education, to the Board of Bequests—he was an officer in the Court of Chancery—and though last, not least, he was solicitor to the Ecclesiastical Commission; a place made by this generous Ministry in the course of last year, out of which this *protegé* would receive 30,000*l.* The right hon. Secretary took pains, in the taunting language of congratulation, to allude to the independence of Irish Members sitting in an Irish Parliament. He had vanity enough to believe, if a domestic Legislature existed, that he should be a member of it—as he believed he should, were a general election to take place to-morrow, be sent back to his seat in that House; yet he was happy to have the opportunity of stating, that he had constituents he was anxious to attend to—whose wishes were his — against whose feelings he would never vote—that he had no wish to remain a Member of Parliament one instant longer than they felt as he felt; if the time ever came when either he could not go their length, or they his, in the pursuit of liberty for all classes of his countrymen, he would return the trust reposed in him to the people who made him their Representative, unsullied by any act of political dishonesty. He thanked the right hon. Baronet, the member for Tamworth, for the courteous manner in which he had addressed himself to this great Irish question: in his speech there was not to be found that abuse of everything Irish — of everything dear to Ireland—of the hon. and learned member for Dublin—language which was current coin with some hon. Gentlemen in that House, and to which, as an Irishman, in common with his countrymen, he must say he was sensitive. But he would take the liberty to give the right hon. Baronet this warning—the division of the empire had been alluded to by him—the ancient Heptarchy adverted to—dangers glanced at. The true danger to be apprehended was, not in the division of the country, but in a division of the people—a separation of the rich and aristocratic from the operative and working classes; and that was a danger that applied not only to Ireland but to England.

Mr. *Charles A. Walker* wished to state some of the reasons which induced him to give his support to the Motion of the hon. and learned member for Dublin; he had always been a repealer; he was so from principle, not from the empty vanity, or desire of having a separate Irish Legislature, unless he thought such would be productive of good government and prosperity to Ireland: he sincerely wished she had obtained those blessings from the united Parliament, and he had once hoped that she might; but sad experience had proved the contrary, and blasted hopes, and broken promises, and extreme misery, was all that Ireland had obtained as yet from her Union with England. Thirty-four years had elapsed since that Union, and year by year that curse, which had for so many centuries hung over Ireland, and which, it must be remembered, was of English infliction—absenteeism—an admitted evil before the Union, had by that Union been so increased, that it had now become intolerable. These were a few of the causes which had made the Irish people despair of obtaining justice, good government, or happiness, by any other means unless from a domestic Legislature—these had confirmed him in his past and present opinions, and he was sorry to add, in his disbelief of any future amendment; he should, therefore, continue to advocate Repeal, until England should prove it unnecessary by giving good laws and equal justice to Ireland. English Members had, in the course of this debate, declared their intention to support good measures for Ireland, and to assist the Irish Members to obtain equal justice for that country; the resolution of the ministerial amendment also conveyed the same promise. He would now remind English Members, that in a very few nights hence, their sincerity would be put to the test, and an opportunity be afforded to them to redeem that promise. The Irish Tithe Bill lay upon that Table; if enacted in its proposed form, it would perpetuate the greatest grievance ever inflicted upon Ireland by the united Parliament; would they, when the second reading of that Bill came on, perform their promise? Would they support the Irish Members in obtaining such alterations in it as would satisfy and pacify the Irish people? The majority of the Irish Members were opposed to that Bill; yet it was said it was to be forced through the House in spite of their opinions, by means of an overwhelming majority of English voters. He would call their attention to the different manner in which England and Ireland were to be treated on the same subject by the Government. An English tithe bill was brought in last Session, containing the obnoxious principle of the Irish bill; the English Members remonstrated when that principle was to be applied to themselves, and at once the bill was withdrawn, a new bill was introduced for England this Session, and the Chancellor of the Exchequer, when introducing it, declared the obnoxious principle had been expunged, and that it would be unjust to perpetuate on the land the present unequal payments, and in the unequal proportions as at present paid by parishes, but that the permanent tax should be levied on an equitable principle, and according to a new valuation, so as to relieve the heavily burdened parishes. This had been conceded to the English, because they formed the majority of that House; but, up to the present day, it had been refused to Ireland, because her Members could be overpowered by the English in this united Parliament. Would English Members, then, redeem their promises on the night the Irish Tithe Bill should be brought forward, and assist the Irish Members to procure equal justice for Ireland? Much had been said against the Repeal agitation; if that agitation could be suppressed, the power to suppress it lay in the hands of those who occupied the Ministerial bench, and that was alone by their giving Ireland equal law and equal justice. Conciliation and the removal of grievances would do much, but coercion would never put it down, for the food of agitation was oppression. Give Ireland prosperity, and they might possibly put this question to sleep; pass the obnoxious Tithe Bill, endeavour to force it at the point of the bayonet, and they would themselves be the real agitators of Repeal.

Mr. *Shaw* assured the House, that he would detain it but for a very few moments. He was aware that patience was already exhausted, as well as every argument which ingenuity could suggest, for the purpose of opposing, or sound reason adduce in support of, the obvious truth and self-evident proposition, that Great Britain and Ireland could not permanently continue a United Kingdom unless they were governed by a united Parliament. For these reasons, and not having had it in his power to be present at the three first nights' debate, he should have given a silent vote against the motion of the hon. and learned member for Dublin, but that it had just been casually observed to him, that he was said to be wavering in his opinion on the subject. He was conscious of how little importance his opinion was, still, on a question involving essentially the best interests of Ireland, he did not wish to be so completely misconceived or misrepresented. Notwithstanding his close and intimate connexion with the city of Dublin, where, above any other part of Ireland, local injury might be fairly considered to have been sustained—although his family and friends voted against the Union when the measure passed—and he still admitted, that the means by which it was carried were indefensible;—that Union having now subsisted for thirty-three years, he had never so much as contemplated the possibility of tearing asunder the ties, and if he might be allowed the expression, bastardizing the relations which had been formed in the mean time, and under the altered circumstances, of the countries and the times—more particularly as regarded Ireland. From the first moment of the agitation of the question to the present time, he had never been able to find room in his mind for one particle of doubt, that a Repeal of the Union would amount to a dismemberment of the empire—weaken the power—impair the resources and stability—put in peril both the prosperity and safety of Great Britain—and, above all, lead directly and speedily to the inevitable loss—to the complete desolation and utter ruin of Ireland. It might be true, that some small portion of the Irish people, generally opposed to the political opinions of the hon. and learned member for Dublin, might, under the temporary influence of vexation or despondency, have allowed their minds for a moment to have entertained the prospect of such a change, when, as they reasoned, they saw their feelings and their interests disregarded—their gentry slighted—their yeomanry disbanded—their magistrates dismissed—their Church humbled before its rival—ten bishoprics abolished—the clergy they esteemed and venerated reduced to the greatest distress—the Bible excluded from the national schools—all, as they supposed in deference to the will of those who now demanded a Repeal of the Union. They would draw a very different inference from that which the right hon. Gentleman, the Secretary for Ireland had drawn in the present discussion, when he stated, that, in his opinion the hon. and learned Gentleman had been the principal obstacle to the improvement and happiness of Ireland. They considered, on the contrary, that although the right hon. Secretary for Ireland, did not perhaps go the whole length of agreeing with the hon. member for Dublin, yet that the right hon. Gentleman wanted the resolution and political manliness to resist his demands, and that, therefore, no change could render their condition worse. There were moments, however, in which he thought that the (not unnatural) feelings of such persons got the better of their reason, and disappointment and despondency overcame their better judgment; for these very same persons would, he was persuaded, when a sense of duty called upon them, give their best services in defence of British connexion. It was, indeed, vain to deny the fact, that no matter what might have been their views in moments of temporary excitement, on the one hand, and although, on the other, the Government might, in Ireland, ungenerously presume upon the forbearance and long-tried loyalty and attachment of that portion of the Irish people to the British Crown and Government, or liberalize or gloss over the truth in this House, yet the whole current of the past history of Ireland presented a stream of evidence that was not to be resisted. All experience—all reason—must convince both the one and the other, that the property or the persons of Irish Protestants could not be secured without the aid of British connexion, nor British connexion continue for one month with Ireland without the support of the Irish Protestants. He said this, in no party spirit—he assured the hon. members for Wexford and Kildare, and other Roman Catholics of wealth and distinction, that he merely spoke in the general, and of classes, not of individuals, or particular cases. On the contrary, all those of the Roman Catholic persuasion, who were not among either the agitators or the agitated, must have a common interest to make common cause with the Protestants; for they would, if they stood alone, bear an infinitely smaller proportion to the mere physical force of the Roman Catholic population, and be the first victims offered at the shrine of agitation, the first morsel thrown to satisfy, or rather to whet the appetite of that wild anarchy which in the case he was supposing would overspread the country. So far, from his sentiments on this point arising from that spirit of ascendancy which was attributed to him by hon. Members below him, it would be when there was a separate legislature for Ireland, that indeed the spirit of ascendancy must prevail; for you could not give protection to the persons or properties of Protestants, without, in the unequally divided state of Ireland in regard to property and numbers, investing them with an ascendancy of power which, on general principles, might not be desirable; nor could you allow any participation of political power to the Roman Catholics, without the establishment of that democratical ascendancy which would sweep before it every vestige of law, order, or civilization. The hon. member for Kilkenny (Mr. Finn), when he charged the Government with acting between the Protestants and Roman Catholics of Ireland on the principle of *divide et impera*—seemed to overlook how open that observation was to being retorted by Protestants upon that hon. Gentleman and his party—for when, upon the present occasion, they paid such tender courtship to the Irish Protestants, the conditions of their proposed Union were, that the Protestants of Ireland should be delivered from British connexion. He owned, that he looked w ih suspicion on the offer of friendship, when the terms upon which it was made were of separation from those who were denounced by the hon. and learned Gentleman and his adherents as haughty Sassenachs, and could not help thinking that the secret was to be found in the hon. Gentleman's own motto of *divide et impera*. He (Mr. Shaw) must always contend, that Repeal of the Union and separation were convertible terms [" *No, no*" *from Mr. O'Connell.*] The hon. and learned Gentleman said " No;" and the hon. and learned Gentleman's (Mr. O'Connell) grand remedy for all the evils and difficulties so powerfully urged by his (Mr. Shaw's) right hon. friend the member for Tamworth, and others, in this debate, was the golden link of the Crown; by it the hon. and learned Gentleman was to hold in control all the jarring elements of strife in Ireland; but this golden link of the Crown would turn out to be no more than a rope of sand, which the kick of the first blustering demagogue who found it in his way would scatter to the winds. He (Mr. Shaw) trusted, that there would be a salutary result from this discussion;

the patience with which the advocates of Repeal had been heard—the arguments adduced—the division which would follow—might open the eyes of the deluded followers of agitation, and, perhaps, serve to convince their leaders of the vain pursuit in which they were engaged. He was not friendly to severe enactments prohibitory of discussion; he did not conceive that was the way to prove to the dupes of the question its hopelessness or insignificance, or best to uphold the dignity of the law. The great fault of the Irish executive was, first relaxing too much, and then having to draw too tight the reins of government. A calm and firm exercise of legitimate power, as a preventive, would frequently have obviated the necessity of resorting to a power beyond the law as a remedy. If agitation had never been encouraged, he (Mr. Shaw) believed the Coercion Bill would never have been required. The Government and the hon. member for Wexford (Mr. Lambert) fell into the same error, in supposing that they might take their own turn out of agitation, and then lay it jointly aside. And he trusted they had both learned the same useful lesson, that it was a spirit which it was easier to evoke than to allay. As he observed the House was impatient, and he was not surprised that they should be, at that late period of so unusually protracted a debate, he would not trespass longer upon them.

Mr. *William Roche* spoke to the following effect:—Sir,—Exhausted as is the state of this debate, exhausted equally as the attention and patience of the House must needs be, I shall confine myself to the question immediately and directly before us, namely, the expediency of appointing a Committee to inquire into the origin, the accompanying circumstances, and results of the Irish Legislative Union, or in other words, the advantages, or disadvantages, arising from that measure. Sir, I think my hon. and learned friend, the mover of the original question, has endeavoured, and commendably endeavoured, to shape his Motion in a manner as little obnoxious as he possibly could, to the various and conflicting opinions that prevail on this subject, whether as regards those whose sentiments are entirely adverse, or those who entertain opinions upon it not altogether so decided as his own. Undoubtedly, Sir, a question of such deep interest and importance should be approached (as I think this is), with all due circumspection, propriety, and precaution, more especially one upon the results of which, whether for good or evil, such a diversity of opinion prevails, as I already said, and doubtless may prevail most honestly and conscientiously. Does not, Sir, this proffered and previous inquiry, of the hon. and learned mover, afford the best evidence of the sincerity of his sentiments, and solidity of his conviction on the subject, not only not fearing, but anxiously desiring to submit his views, in the first instance, to the calm investigation and rigid examination of a Committee. Would not, Sir, such Committee be best enabled to obtain for us all the information and light, and collect all the facts and details, the subject is susceptible of. Could it not collate, digest, and verify the various and contradictory allegations, and calculations, which have been brought to bear upon the subject, whether of an historical, financial, or fiscal kind; and, Sir, if the result should tend to demonstrate and establish that a separation of Legislatures would not, on the whole, be the wisest and most effectual means to relieve the wants and secure the happiness of Ireland, the public mind, when thus persuasively convinced, would gradually calm itself down and turn its attention to an examination of, and remedy for, whatever defects and disadvantages mar the benefits expected from, and promised by the Union; thereby rendering it permanent through the only means it can be rendered permanent, that of making it the obvious interest of all parties to cherish and maintain it. But, Sir, if, on the other hand, my hon. and learned friend should be able to prove that, while a domestic Legislature conferred great advantages on Ireland, it would not interfere with the consolidated interests and harmony of the empire, it would surely be but fair to give him, and those who think with him, opportunity of demonstrating it. Why, Sir, even in courtesy to the 150,000 petitioners—in courtesy to the intense interest that pervades so large a portion of Ireland on this subject, would it not be well and soothing to grant this inquiry, were it even only with a view to discover what causes, what hardships and defects, marred, as I said before, the promised advantages of the Union, and, by removing those causes and defects, make the measure beneficial to the interests, and thereby reconcilable to the feelings of the people of Ireland. Certainly, Sir, did I permit myself to look back, and be swayed by the atrocious manner in which the Union was achieved, or rather forced upon Ireland, under, I may say, the fell grasp and uplifted dagger of the assassin, a sense of indignation and abhorrence would supersede every other feeling than that of an anxiety to dissolve a connexion so foully, and flagitiously obtained. But, Sir, I admit, that it is more the duty and business of the present day to endeavour to overcome those sensations, and calmly consult the interests of the existing and future generations. Sir, notwithstanding the sweeping animadversions of the hon. and learned member for the University of Dublin, I came into this House free, unpledged, and unfettered, to exercise my judgment on this and every other subject, as my conscience might dictate; but, Sir, I also came into it with the hope, that the vaunted name, and high promise of a Reformed Parliament would speedily cure and obliterate the errors and recollections of the past, and proceed to conciliate the affections of Ireland. But, Sir, I was seriously disappointed, for coercion, not conciliation, met me at the very threshold, while the few remedial measures adopted, were of an insignificant or delusive kind. Let, Sir, the laws be made in conformity with the condition and circumstances of the people. Let not the people, like the victim on the bed of Procrustes, be tortured into an unnatural compliance and conformity with laws quite inapplicable to their situation and circumstances. Let, for instance, the expenditure of the Established Church be reduced to an amount commensurate with its real necessities, until that fairest of principles be arrived at, when every sect shall maintain its own pastors and institutions, and a large sum be thus liberated for the employment and improvement of the whole people. Let, Sir, the resources of Ireland be called forth with a wise and liberal hand. Let the absentees be made to contribute, whether in the shape of a wise system of Poor-laws or otherwise, to the wants and tranquillity of the country, for, in tranquillity, if their feelings or sympathy be unconcerned, their incomes at least are interested. Absenteeism, Sir, is, in Ireland, an evil of peculiarly noxious type and character; for in other countries, proprietors go and return, but, in Ireland, many, very many, never see, or set their foot upon the land, by which they live. Let, Sir, these and such-like things be done, and you will arrive at the only effectual cessation of Repeal; but, Sir, so long as the mass of the people of Ireland are steeped in wretchedness and misery (for I can assure the House, that there you often cannot distinguish the human habitation from the hog-stye), so long will they, and must they, complain, and so long must those of her few gentry who see and sympathise in her sufferings, join in their complaints. Hasten, therefore, Sir, to redress those grievances, to remedy those evils, to take Ireland cordially and kindly by the hand, and thus, and thus only, will you remove the desire by removing the necessity for Repeal. Sir, believing that the proposed inquiry may effect at least some good, I shall vote for the Motion of my hon. and learned friend.

Mr. *James* said, that instead of occupying the attention of the House for six hours, as some hon. Members had done, he should not occupy them even six minutes, if they would only grant him the indulgence of listening to him so long. Indeed, he should not have presumed to address the House at all, had he not presented a petition from a considerable body of his constituents in favour of the Repeal of the Union. He had not been able, for a considerable time, to make up his mind upon the subject. He had listened with the greatest attention to many of the speeches that had been delivered upon the question, and those that he had not heard, he had taken the trouble to read; but none of those eloquent appeals, not even the highly-gifted speech of the right hon. the Secretary of the Treasury, nor the argumentative and powerful display of the hon. Member who seconded the Amendment, nor the reasoning of any other hon. Member who had spoken on the subject, had succeeded in convincing him of the necessity of continuing the Legislative Union, because he was previously convinced, not only of the necessity of maintaining that Union, but, if possible, of cementing it still stronger. This conviction had been chiefly brought to his mind by the speech of the hon. and learned member for Dublin, who had introduced the subject to the House. That hon. and learned Gentleman, the able advocate of the cause which he espoused, had utterly failed in his speech of five hours in convincing him that it was either wise, just, or politic, to Repeal the Legislative Union. The question, then, was come to this, Union or no Union? He was exceedingly sorry to differ from his constituents on this most important question, but differing, as he conscientiously did, from them, he would give his most cordial support to his Majesty's Government.

Mr. *O'Dwyer* protested against the assertion of the hon. and learned member for the University of Dublin (Mr. Shaw), who had stated, that the object of those who supported Repeal was ultimate separation. He, for one, most strongly denied, that he entertained any such views. The hon. and learned Member had said a great deal about the agitators of Ireland. It was true, that there was agitation in that country, but it was equally true, that the hon. and learned Member himself was one of the heads of a political party that aimed at representing the aristocracy of the country—pretensions to which he did not think the hon. and learned Member had any claims to aspire. He was rejoiced, that this subject had undergone the full and indulgent discussion that it had met with, and he would express a hope that it might become one of the periodical Debates of that House.

Mr. *O'Reilly* said, that he had intended to give a silent vote on this occasion, because he had never entertained any doubt of the necessity of preserving the Legislative Union. He thought it was quite time that the system of agitation that was kept up in Ireland, should be put an end to, and the best mode of accomplishing that desirable object would be to preserve the empire entire.

Mr. *O'Connell* rose to reply. He said: There are two propositions in which the whole House seems to agree; the first is, that it is my duty now to close this Debate, and, in deference to this House, I shall, in discharging that duty, condense my observations as much as I possibly can; the second is, that this debate must be eminently useful. It cannot but be eminently useful; and I regret to say, from the nature of the topics which some have introduced, that it is not more conciliatory and more useful than I am now afraid it can be. Let me, for there has been a silence upon the subject—let me, without the slightest levity, conjure his Majesty's Government not to rely upon their immense majority of English Members for a continuance of the Union; but, presuming they do agree in the opinions of the right hon. member for Tamworth, to reflect for one moment upon the poverty which has generated the cry for Repeal, and the wide-spread desolation which has caused it to be made. Let them remember, that the demand for Repeal is, as it is said by the member for the University, made for the first time by a part of the Irish people—let them consider what that demand will be when the whole Irish people are compelled, by distress and misery, increased and aggravated by injustice, to urge it on. The hon. member for the University says, it is called for but by one part of the people. I make the admission, though it may weaken my own case, for I seek not to succeed by disguise of any kind; and it would be impossible to disguise the fact after what we have heard in this House. But let this be considered, that if there be some who do not concur with me now, is it not more than probable that they may concur with me hereafter? The game of playing us off, one against another, can no longer be continued—another course must be adopted. The Government have not the hearts of the Irish people—I mean they have not the hearts of the numerical population of Ireland. Even in the north of Ireland, you perceive, that the disposition to repeal the Union is increasing, and, as one of my proofs, I would appeal to the speech delivered in the House by the hon. member for Londonderry. The very candid and fair speech of that hon. Gentleman demonstrates this state of feeling, and it is spreading elsewhere. It shows how little the people believe the Government to be inclined to do any good for them; and that it has not reached the entire population, is only caused by the by-gone contentions which have existed between us. The Government have, then, this course to pursue. I did not want them to court one portion of the people as a party, nor did I ask of them to turn to another, and advance them as a party—but while I did not want or wish them to do this, still I did hope that as there was an opening for the Government in the debate, they would have taken advantage of it, to explain what are their views of amelioration and relief to the people. I did hope, that some project would be put forward by them, as an amelioration of the admitted misery of Ireland—that they would have held out some legitimate hope, and not of a very future date either—some pressing expectation of buying up from agitation (for you may vilify it as much as you please, the name does not signify) those who now take the lead—and by that means, to take from discontent that upon which it feeds and fattens—the neglect of Ireland, and the total want of measures of a remedial and beneficial nature. I have promised to condense my observations, and I shall indulge no further upon this point than to make a single remark upon that which the whole of this discussion certainly proves—the silence, the total absence of any promise of amelioration—the failure of the attempt to prove that good has been done for the people of Ireland in the Administration of our affairs—the utter hopelessness that the Government will be induced to do anything effectual for my country. A good deal of this discussion has been taken up in attacks upon myself. Now, I appeal to this House, whether, from the manner in which I brought forward this subject, I deserved or provoked those attacks? I am in the recollection of the House, whether, in five hours, to which my lengthened speech upon that occasion extended, there was one observation personally offensive to any man, or any party? and, notwithstanding this, I was assailed, and, what is still worse, as being caused by these assaults being made on me, I am compelled, reluctant as I am, to say a few words of myself, and they shall be as few as possible. The first person who assailed me, was the hon. member for Belfast—I presume he is in his place. [“*Hear!*”] I am glad of it; and I now ask, was there ever anything more indiscreet in a Government, than to take such a person as a seconder of their Amendment? If I could have desired to have lessened the effect of what had fallen from me—if I had desired that my arguments should have as little weight as possible in Ireland—if I had desired that my opinions should be disregarded there, the course which I should have taken, would be to have as my seconder, a fiery and furious partisan, who would have pronounced an invective against the people, their religion, and their clergy, and taunted as “adventurers,” men upon whom he at least ought to be sparing in casting such an imputation. The Government knew, that there was a Corporation inquiry, to forward which the greatest anxiety has been expressed by them. Now, what has been done by the hon. member for Belfast? Why, with an equal love of truth and chivalry, he attacked, not long since, that very inquiry as an inquisition, and assailed one of the Commissioners in a manner that did not terminate very creditably to himself. This is one portion of his political conduct; and now look to a preceding part of his career. When the Reform Bill was to be carried, the modern Conservative was an old Republican. “A pampered prelacy,” and “the folly of an hereditary aristocracy,” were then his favorite topics; and the doing away with these, he said, was one of the blessings which should follow from the Reform Bill. And this—this is the person whom the Government has selected as the seconder of their Motion, and whom, too, they have enthusiastically cheered when he assailed me. I shall not, however, retaliate; but I can imagine a being who would assail me also—a being at one time exulting in all the fury of republicanism, then a speculating adventurer, and dwindling at last into a mean and mercenary dandy—I can conceive such a being servile and sycophantic in one place, petulant and presumptuous in another, calumnious and contemptible in all. And yet the Government has selected this able Gentleman (the member for Belfast) to second its Motion for an address! The proof it gives of its anxiety to do all the good it can for the people of Ireland, is having for its seconder the opponent to Corporation inquiry. Then I am assailed from more than one quarter, and I must endeavour to get rid of these attacks as fast as I can. It has been stated by one hon. Member, that I said, there should be a bounty of five-and-twenty per cent protection upon Irish manufactures. I did not know such an opinion was attributed to me, until I saw it in the speech of the right hon. Gentleman. I do not know, whether the right hon. Gentleman really said so, but if he has, I suppose he must have met it somewhere, but it certainly must have been where I was not. I do not think, that I ever put forward such an opinion; if I did, it must have been many years ago. For several years back, I have preached what I believe to be sound doctrines on this point—namely, that there might be an unnatural state of society in which a protecting duty might, from unnatural causes, be necessary to a small extent; but that it is a problem, very difficult of solution to find a protection sufficiently small, not to entice capital to that particular branch of manufactures, to the injury of others. Another doctrine has been attributed, and justly attributed, to me, necessarily in my absence, which was inevitable. The right hon. Gentleman represented me to have said—and I have said—that, in the present state of Ireland, it was absolutely necessary, that proprietors in Ireland should be proprietors there alone. I have said this, and I will never seek a vote upon any other ground than what is my conviction upon this subject. The evils of absenteeism can never be got rid of so long as the proprietors of estates elsewhere are proprietors of estates in Ireland. It may be an exceedingly unpalatable doctrine—it may be exceedingly disagreeable; but, being my opinion—my firm and settled opinion—I shall not conceal it from you. I am not for an absentee-tax; I know, that the Irish Parliament tried it for two centuries and a-half, and yet it did not prove effective. There is one topic more, with which, while I am upon this subject, I will trouble the House. A right hon. Gentleman has been very facetious upon a speech which I am supposed to have delivered at Kildare. I am sorry to detain the House with a denial of what is there attributed to me. Any one who read it should have had a suspicion of its accuracy. There was no reporter present on the occasion. It is scarcely necessary for me to repeat what I really did say. It was, that a deputation of five or six persons could go up to the Representatives in Dublin, to use an Irish phrase, with short sticks in their hands, and return the same night. But the most serious charge of all has been imputed to me by a friend. It has been said, that my acts tended, and from thence an inference was drawn, that my disposition went, towards a separation of the two countries. I do not object to any gentleman canvassing my acts, with a view to show their tendency to a separation. So far from objecting to that, I invite it. The instant that any man can show, that such is the tendency of my acts, that instant I will alter such conduct. But if the charge be made directly against me as a fact, it is one of a traitorous tendency, and I have but one way of meeting it—proclaiming its utter falsehood. My conduct has been directly the reverse of this. I am sorry to have detained the House with these preliminary observations; but I now come to the question as it has been debated. I make no apology for the introduction of a long discussion by me, upon the right of the Irish nation to an independent Legislature in 1782. It was said elsewhere, that there had been what was called "a conquest of Ireland." That was talked of before this debate occurred, in another place, and by a member of another Administration. I did not know but it might be also introduced here, and, therefore, I anticipated it, and I am confident I did so successfully. The claim now, therefore, to continue the Union is put, and it is properly put too, on the Act of Union itself. The argument stands or falls by that, and it is disembarrassed of everything else; on that ground, I insisted upon the incompetency of the Irish Parliament to pass that Act, and I am the more convinced of the justice of my position on that point, and the soundness of my arguments, when I recollect how it was attempted to be met by two Members of this House, for there were only two who discussed it, the member for Kirkcudbright, and the hon. and learned member for Monaghan. The hon. and learned member for Kirkcudbright has admitted the authority of Locke, but alluded to the Revolution, and shown that the Convention Parliament had the power—to do what? To appoint a King? No. To alter the Legislature? No; but the power to declare the Throne vacant, and that the natural heir should succeed. The daughter of the reigning Monarch succeeded to the Throne. The abdication of the King was declared complete, and that very case was put in the authority which I quoted. The hon. member for Kirkcudbright impeached my authorities by calling Plunkett and Saurin partisans, but in no other way were they impeached. The hon. and learned member for Monaghan took a different course; for he, without reference to authorities, argued the case as if it were a special demurrer, and insisted that I should be estopped by it. I shall not now argue the demurrer of the hon. and learned Member, I only advert to it to show the futility and absurdity of the objections with which it has been sought to meet me upon this subject. I tell the House, though they may think lightly of the people of Ireland, they are a shrewd, an observing, and an intelligent people, and that they will read my arguments as well as those of the gentlemen who are opposed to me—if they have better arguments than I have to support their positions, then it may be expected that they will have due weight with the people—an importance will be attached to them which cannot be by any immense majority of this House, nor be regulated by the applause which is given to any Gentleman who speaks on the other side. On this subject, I cannot help thinking, that it would have been better for my opponents to have passed it over without attempting to reply to it; for they have only, by their observations, demonstrated the accuracy of my statement, when I insisted, that there was nothing to authorise the Irish Parliament to dispose of the Irish nation, as there is nothing to authorise this Parliament to dispose of the English nation to any other state on the face of the globe. It is unnecessary for me now to remark upon the means by which the Union was produced—the foul corruption, the extensive bribery, the horrible manner in which it was effected are admitted. These are things which no one denies. There is only one thing in my statement that is disputed, and that is the fomentation of the Irish rebellion by the Government. To that I have a triumphant reply. It has been suggested, why should Mr. Pitt and Lord Castlereagh, the then Ministers, have fomented such a rebellion, when they were placed in a situation of sufficient difficulty at the period of 1797, by the mutiny of the Nore? Can anything be more foolish and absurd than such an observation? Did Mr. Pitt or Lord Castlereagh foresee the mutiny of the Nore? Was it not an unexpected event—a most fortuitous circumstance—which was nearly as suddenly suppressed as it had started into existence? And again—would there ever have been an Union, if there had not been a rebellion. It was proved, by documents before the Secret Committee of the Irish House of Commons, that one individual (Maguane) was in the habit of giving weekly and monthly returns to government of all the proceedings of those who were embarked in the rebellion of 1798; and yet Government never made an attempt at interference by arresting any one of the parties. But then the right hon. Gentleman (Mr. Spring Rice) has taunted us with those transactions, in his allusions to them, as a proof that there were materials for treason in Ireland. Why, if there had not been, no rebellion could have taken place. Even with all the excitements used, that rebellion was not formidable—it prevailed in Ulster, and some parts of Leinster. It exhibited itself only in two petty conflicts—one at Saintfield, in the county Down, and another in Antrim, where Lord O'Neil was killed, and, which was rather a scuffle than a battle. Where the rebellion was organized, one or two skirmishes put it down; and, in Wexford, where there was no organization, and the people were forced into insurrection, it did not appear at all formidable. The truth of history, then, is vindicated, and the Union was brought about by means the most detestable, and it never could be carried until sectarian animosities and party antipathies arrayed Irishmen against each other. It was the policy of the Government which placed the country in that situation, that even the most loyal, and the most devoted to its interests, were, in their own defence, arrayed against those who were designated rebels. I now come to a point which has been more immediately discussed here. It has been said, no matter how the Union was brought about, the question, and the sole question here is, how has it worked? And with that another consideration is mixed up—what would be the consequences of its Repeal? From 1782 to 1800, there was great prosperity in Ireland, and it would I think, have been better for the right hon. Gentleman (Mr. Spring Rice) to have left this period untouched; because there is historical evidence of it too strong to be controverted, and it is so well known in Ireland, that there at least it will not be denied. However, the right hon. Gentleman delivered a speech, in which that state of happiness and prosperity was controverted—he denied facts the most notorious, and the best known, and, for all the effect his speech will have in Ireland, he might as well have denied that there was a Sunday within the last week. When the Report of this debate goes to Ireland, I ask you what will be the effect of his contradiction, and the applause with which that contradiction was received? Why, if it had not been proved before, the incapacity of this House to regulate our affairs, and its ignorance of the history of Ireland—this one fact alone is sufficient to demonstrate it to the people of Ireland. It is most important that it should be considered whether Ireland has been benefited by the Union; and I can tell the House, that if it had not been for the actual misery, the overwhelming distress, and great destitution consequent upon the Union, and pervading the whole of that country, the people would not press to have that Union repealed—nor should I seek it. And if such misery and distress do prevail, of what value are the returns, the imports and the exports, and the sophistication of returns produced by the right hon. Gentleman? The hon. member for Belfast did not deal in official returns at all, but he quoted the fanciful returns of a pamphlet-writer, whom I could name if I wished, but he is not worthy of it. Of what value are these columns of figures and these documents, if distress and destitution are prevailing throughout the land? You will soon hear what value Ireland will set upon these figures. The right hon. Gentleman possesses the advantage of having returns of what he pleases, and he can make them so as to suit his purpose in this House; but your cheers cannot disprove the distress, nor your applause drown the cry of misery. I do not appeal to such returns in this House; but I appeal from them to the experience and misfortunes of Ireland. The hon. member for Paisley has fleshed his maiden sword in this debate—he has shown equal talent and courtesy in this debate. He began by deprecating personalities, and he had not gone very far when he became personal himself. I heartily thank him for one point which he put forward—when he talked of figures, he said, "What signifies calculations when we have appalling facts?" That is my opinion precisely, and for his utterance of it, I cannot do less than pronounce him "a second Daniel." Exactly so, I say; what signify columns of figures when they are controverted by appalling facts? Did you not hear the hon. member for Derry—did you not hear the hon. member for Cork—did you not hear every Member agree in this, except the hon. member for Belfast, who is an exception, who deserves to stand alone, and he does stand alone. Did you not hear them all talk of the increasing distress in every part of Ireland? And this distress, too, existing in a country the most fertile and abundant! Yes, there is that distress in a country the most productive—there we see, in the midst of abundance, year after year, thousands of Irishmen fading into their graves, perishing of hunger, and periodical visitations of famine recorded in their history! Oh! how little do you know—how little do you consider, what an impulse has been given to the call for Repeal, not from any feeling of inferiority in one class to another; but to the unsettled state of mind produced by the constant recurrence of distress in my country. We follow you in your revolutions, and we are generally the most severe sufferers. Government made an experiment with the currency, and Ireland still groans from the shock given to the social system—it made many a child desolate, and many a widow destitute. But, then, while the distress is increasing and the destitution extending, we are told here that we are increasing in wealth and prosperity ever since the Union!!! To my utter surprise this has been attempted. I lamented I was not present when "the wonder-worker" insisted upon "the prosperity of Dublin!" The right hon. Member spoke of the prosperity of Dublin!!!—Why, the members for Stroud and Knaresborough contradicted him. Did he remember even the pamphlet of Surgeon White, in which the distress of Dublin is so accurately depicted; but all these facts fade into nothingness, when the brilliant imagination of the modern "West Briton" is warmed by the dazzling array of beggars. Was not his catalogue of benefits and advantages to Dublin a glaring insult to the distressed people there? Such is the state of Ireland. Ought it to be in that state? The Union was to have given to Ireland the benefit of British laws, and now that thirty-three years have elapsed since that measure had been effected, I congratulate the hon. member for Carlisle on the fact that, for twenty years out of those thirty-three the people of Ireland have been deprived of the benefits of the law and constitution. That hon. Member was, I remember, opposed to me on a former occasion—it was when I sought for freedom for the West-Indian negroes. He deals in such a traffic, and I cannot but admit to him that it is right, it is proper, it is consistent, that the proprietor of such kind of property should be the advocate of slavery to Ireland. But, has the Union ever yet given us the protection of the British Constitution? No; for your last and worst act, the Coercion Bill, has, within the last few days—the ink is not yet dry in the proclamation,—put four baronies in the King's County out of the pale of the Constitution, and after that, will you talk to me of the blessings of your Union, and after that will the right hon. Gentleman entertain you with his official returns? An hon. and gallant Officer (Sir H. Vivian) has, indeed, entertained you in a different way, for he said that agitation alone produced poverty in Ireland; and, yet, having done that, he illustrates his observations by declaring there was poverty in Ireland in 1779, when the oldest agitator amongst us was in his cradle. But, then, the right hon. Gentleman (Mr. Spring Rice) has gone through a table of imports and exports, to show the prosperity of Dublin. Does he not know how these tables of imports and exports are made up? They might answer for any other port as well as that of Dublin. He knows, that these imports and exports are not now made up upon oath; they are not examined, nor compared with the cargo; they are frequently filled up when the vessel is sailing, and when the only concern is, not that they should be correct, but that the revenue officer should be dispatched as quickly as possible; and they have no more to do with what may or may not be on board, than if the vessel was in China. But, then, we have the evidence of the right hon. Gentleman himself, that up to 1825, this Parliament did nothing for Ireland. From his speech now you would suppose that there had been a constant increase of prosperity in Ireland since the Union—that then the sunshine first beamed upon us—that it has been increasing in intensity and effulgence ever since—and that at this moment its glowing beams are warming the whole of my country! How such poetry would be scoffed at by the unfortunate misery of the Irish!—how would that misery be aggravated when there was read the glowing display of six hours, expended in proving that the Irish were the most prosperous people in the world! In that speech of the right hon. Gentleman, sophisticated arguments were all that were required to prove what did not exist—arguments that, if put forward in Ireland, the only reply necessary to give them would be "circumspice." The gallant Officer (Sir Hussey Vivian), who opposed me, even corroborated my statement, and contradicted that of the right hon. Gentleman—for he admitted, that there was great poverty and destitution amongst the Irish people. Up, then, to 1825, it is admitted by the right hon. Gentleman, you did no good for us. You gave us emancipation, I admit—but how? After twenty-nine years of the most violent struggle for it. I read to this House a speech in which it was declared, that the Catholics were determined never to meet as a separate body. Why were they compelled to do otherwise? The Union forced them to it. The noble Lord who has spoken upon this question, seems to have read only snatches of Irish history. If he will look to the progress of emancipation in Ireland, he will find, that an Irish House of Commons would have soon conceded it—he will find what rapid progress the Irish House of Commons made in emancipation. It commenced in 1778—there was another relaxation of the penal code in 1782—another in 1792—another in 1793, which gave to the Catholics of Ireland the elective franchise; so that if a Parliament had continued in Ireland, the men who had the elective franchise would only have returned to it those who would vote for their religious freedom. When the poor were emancipated, the rich must soon have been freed from their shackles. It was an Imperial Parliament that prevented us from being emancipated, for many years; it was the want of a domestic Parliament that compelled us to agitate for it for twenty-nine years. You may, if you choose, pour out the vials of your indignation upon me. Why, for twenty-nine years I have been traduced. I have been abused six times a week in one paper—three times a-week in another—once a-week in another; in every publication vituperation has been poured upon me, and I scorned it. I was an agitator then, and I am an agitator now. What is agitation?—"It is seeking for the redress of substantial grievances." Distress is the agitator's stock in trade; put an end to the distress—destroy the grievances, and you annihilate the agitator. Your rule has been attempted to be prolonged, and it is now sought to be continued by the perpetuation of party feuds; but this, be assured, is not the mode in which you can either free yourselves from agitation, or stop the demand for Repeal. It is an argument against the Union, that it compelled us for twenty-nine years to agitate for emancipation. This was your doing; and it was you who excited the worst passions of the people in that period—it was British injustice and British intolerance that roused those passions, and at length excited them to such a height as at last to compel some glorious apostates to follow the chariot of agitation into the centre of the Constitution. That crime you committed; that you did so is admitted by the right hon. Gentleman himself, up to the year 1825. The hon. member for Paisley has said, that the Scotch Reform Bill was miserable, while the Reform Bill for Ireland was bountiful. This is all Greek to me. Scotland containing 2,000,000 of inhabitants, obtained an increase of eight Representatives, while Ireland, containing 8,000,000 of inhabitants, got an increase of only five. I take the principle of population, because that is the principle upon which the Reform Bill was founded, and according to that principle the Reform Bill carries a decisive conviction to the minds of the Irish people of British injustice. It speaks to them trumpet-tongued, and warns them that, between the right hon. Gentleman and the noble Lord, they have not a particle of justice to expect. I will take the hon. member for Paisley foot to foot upon the subject. In England you doubled, nay quadrupled, the elective franchise, leaving all existing franchise untouched. To Scotland an effective constituency has been also given, for it had none before. Thus you were bountiful to both countries, while you had the daring presumption to insult Ireland by giving no additional franchise. I speak not of the present Parliament—that Parliament you had not anything to do with. Oh no, you are all bountiful men to Ireland!—you gave us no Coercion Bill, that last and beautiful production of the Union with which the right hon. Gentleman is so enamoured, I should not be surprised to find that right hon. Gentleman refer to Limerick as he has to Dublin, to prove that Ireland is most prosperous. I admit, as a proof of the prosperity of Limerick, there is a new square there—it has a statue in the centre, too, but, then, I believe, there is not a single house in Rice's Square. Upon the pedestal of that statue the people ought to write "the wonderful *West Briton!*" What a fortune he would make if he could get that statue, and bring it to every fair in Ireland, as a show for a shilling, "Walk in," he might say, "and see this wonderful West Briton all the way from Rice's square in Limerick, where there is not a single house." In passing a Reform Bill, you insulted Ireland, and it has been regarded the more intolerable because upon, the first reading of the Reform Bill, the majority of the English and the majority of the Scotch Members were against the Bill, but the majority of the Irish Members were in its favour, and the first reading was carried by means of that Irish majority. Why were you afraid of granting the benefits of Reform to a similar extent to the people of Ireland? It was because you have a by-gone persuasion that you could not give an extensive franchise to the people of Ireland; not because they would abuse that franchise, but lest they should prevent the British Government from abusing them. You have given to Scotland a Burgh Reform Bill. The hon. member for Monaghan has, perhaps, one in his pocket for Ireland, but no doubt it will not be brought forward until it shall be too late in the Session to pass it. At all events, it was not mentioned in his *esto perpetua* speech. The hon. member for Monaghan said, that if you wished Ireland to be quiet, you had only to give her a fair and impartial administration of justice. I would confirm what the hon. Member has said—and yet you have suffered this debate to go on to its close without saying one word as to what was to be done for Ireland. Even the hon. member for Middlesex has failed to elicit from the Ministry a promise that they would do any thing more for Ireland. The right hon. Secretary for Ireland ought, instead of prosecuting the Press to an extent almost rivalling the persecutions of Louis Philip, to seek to give to Ireland a fair, equal, and impartial Administration of justice. I appeal to all who now hear me, and I will put this case to your common sense. A gentleman high in the confidence of the Crown, and of stainless integrity in private life, here tells you that you cannot complete the Union with Ireland, because you withhold from that country the advantage of a fair administration of justice. The shrinking peasant who knows nothing of the law but from the first process of tithes, which cost more money than he ever saw; and the farmer, to whom a *latitat* would be little less than ruin, will hear of your speeches, and will feel that no remedy is to be applied to his grievances. They will hear of great speeches here and there; they will hear of that of the hon. member for Belfast, all the thoughts which he remembered of, or, at all events, that were coincident with, the speeches of Chief Justice Bushe. They will hear how that side of the House praised this, and how this side praised that, and how the hon. member for Carlisle brought up the awkward squad. The gallant Officer (Sir Hussey Vivian), who thought he understood political economy as well as fighting, though he did not like it half so well—has read a letter written by me, in which opinions were stated, which the gallant Officer did not coincide in. I thought that the gallant officer, who distinguished himself, I believe, at New Orleans, would have known enough of America to be able to trace the opinions to the source from which I took them. I have to tell the gallant Officer, I, in that respect, only borrowed my opinions from America. I shall not longer detain the House. It is time the discussion should close here, and I think, that nothing but good can follow from it. I do not know what may be your feelings towards me; but for myself I will say, that I heartily thank you, in the name of my country, for the mode in which this debate has been conducted. If some of my friends had concentrated their feelings more, they would have been more patiently listened too. The manner in which the discussion has been carried, and the temper displayed in it, cannot but tend to good; if your arguments be better than mine, the people of Ireland, who are a shrewd and a clever people, will attend to them; your majority will be as nothing to them; the greatness of its amount will rather weigh another way with them. Before I conclude, let me observe, that the hon. member for Waterford, from whose politics and principles I differ, put some points, which are exceedingly deserving of your consideration. He would have you make a party for yourselves in Ireland. Do so. —Make a party of the people by being just to them, and try not to delude them. What should be your way to oppose the Repeal of the Union? Not by reviling those to whom the people are attached, and not by imputing improper motives to them. For twenty-nine years I struggled for emancipation. I am now the paid servant of the people. I am prouder of the salary I thus receive, than any pension and title that a Monarch could bestow upon me. You may for this arraign my motives. I care not. I shall do no act I consider derogatory to myself, and I shall not be afraid to do any one that, in my conscience, I feel bound to do. The autocrat Nicholas might honour a man with his bounty, and is it to be regarded as degrading, when the people of Ireland exhibit their gratitude? Look to the country which you say you must continue to manage. I tell the Government now, in the hearing of their supporters, not to follow up their triumphant majority, by a miserable Tithe Bill. A Tithe Bill, which, if you send to Ireland, you ought to send black banners along with it. You have now a sufficient fund to pay to the Protestant clergy the full amount of their claims, and maintaining the vested interests of the present incumbents. Provide for the spiritual wants of the Protestants of Ireland; but give us no sinecure Church Establishment. You have been told by one of your law officers, that the law is badly administered in Ireland. Give, then, to the people what they want—impartial justice; and do not think of stopping their demand by a paltry little Special Jury Bill, which gives a proper jury to the rich, and refuses it to the man who has not money. Let there be a fair jury system established throughout the country—let there be impartial justice—follow, as you ought to do, your triumphant majority of this night by honest and fair conduct towards Ireland—let this be done by you—if it is not, the misfortune will be ours, but yours will be the crime.

The House divided on Mr. O'Connell's Motion, Ayes 38; Noes 523: Majority 485.

List of the Ayes.

Baldwin, Dr.
Bellew, W.
Blackney, P.
Blake, M. J.
Butler, Hon. W.
Barron, H. P.
Callaghan, D.
Fitzsimon, N.
Fitzsimon, C.
Finn, W. F.
Fitzgerald, T.
Galway, J. M.
Grattan, H.
Kennedy, J.
Lalor, P.
Lynch, H.
Macnamara, Major
Macnamara, F.
Mullnis, F. W.
Nagle, Sir R.
O'Connell, D.
O'Connell, Morgan

O'Connell, Maurice
O'Connell, J.
O'Connell, C.
O'Conor, Don
O'Dwyer, A. C.
O'Brien, C.
Roe, J.
Ronayne, D.
Roche, D.
Roche, W.
Ruthven, E.
Ruthven, E. S.
Sullivan, R.
Talbot, J. H.
Vigors, N. A.
Walker, C. A.

TELLERS.

O'Connor, F.
Sheil, R. L.

Members for Ireland included in the NOES.

Acheson, Viscount
Archdall, General
Bateson, Sir R.
Belfast Earl of
Bernard, W. S.
Browne, J.
Browne, D.
Carew, R. S.
Castlereagh, Viscount
Chichester, Lord
Clements, Visc.
Cole, Hon. A. H.
Cole, Viscount
Conolly, Col.
Copeland, Ald.
Cooper, E. S.
Coote, Sir C. A.
Corry, Hon. H. L.
Christmas, W.
Chapman, M. L.
Daly, J.
Dobbin, L.
Evans, George
Fitzgibbon, Hon. R.
Ferguson, Sir R.
Forbes, Viscount
Gladstone, T.
Hayes, Sir E.
Hill, Lord A.
Hill, Lord M.
Howard, R.
Jephson, C. D. O.
Jones, Captain
Knox, Hon. Col.
Lambert, H.
Lefroy, A.
Lefroy, T.
Martin, J.
Martin, T. B.
Maxwell, J. H.
Maxwell, J. W.
Meynell, Capt.
O'Callaghan, C.
O'Grady, Hon. Col. S.
O'Reilly, W.
O'Ferrall, R. M.
Oxmantown, Lord
Perceval, Col.
Perrin, L.
Stewart, Sir H.
Stawell, Col.
Shaw, Fred.
Talbot, James
Tennent, J. E.
Verner, Col. W.
White, S.
Young, J.

On the Question, that the words of the Amendment be added,

Mr. *Hume* said, that the majority in favour of the Amendment of the right hon. Secretary was certainly ample enough for all purposes that were desirable, but one—it would not satisfy the people of Ireland. He regretted to think, that the right hon. Gentleman should be put forward to move an Address in a form which had never been yet adopted by any Ministers but the present, with a view, as he conceived, to crush the proposed inquiry. He was of opinion, they ought to come to an expression of a declaration, which should state how far the Legislative Union had failed in its anticipated effects, and to state what were the remedial measures which ought to be adopted by Parliament; without which, it was his decided opinion, Ireland could never enjoy peace or real prosperity. He had said, that the overgrown and disproportionate Church of Ireland, and its enormous wealth, were the great source of the popular discontent in Ireland; and he felt, that were he an Irishman, he never would desist from complaining of this enormous grievance. Whether that discontent ought to be allayed, when they saw a Ministry supporting that Church and its revenues, and patching up all the abuses that sprung out of the extravagantly-endowed Establishment, they would feel the greater necessity for joining in the declaratory Motion which he was about to put on the Records of the House. He would repeat, abuses. What! was the Church patronage and property, no abuse? Were her sinecures none? Feeling that the Ministers had been content with half-measures, and with winking at these various abuses, he found himself called upon to put his statements on record in the shape of an Amendment, such as that he should conclude with reading to the House. He would move, that the passage relative to the benefits conferred by Parliament upon Ireland since the Union, should be omitted, for the Parliament of the United Kingdom had passed some Acts beneficial to that country, yet the Legislative Union had failed to confer the benefits which had been anticipated from it upon Ireland, and its failure was to be attributed to the last and present Parliament's neglect of applying substantial and effectual relief to the existing causes of complaint in Church and State. It was by doing justice that this Parliament would secure the peace of that country, and attach and give strength and prosperity to Ireland. The hon. Member concluded by reading his proposed Amendment, as follows:—"That the present state of Ireland is afflicting to the inhabitants of that country, and dangerous to the well-being of the United Kingdom; and although some salutary laws have been passed in the Imperial Parliament, yet this House deeply regrets that the beneficial results anticipated from the Legislative Union have not as yet been realised. The failure may, however, be attributed to the errors of Parliament in refusing or delaying substantial redress of the grievances existing in that country, and in not applying those remedial measures for correcting the abuses of the Established Church in Ireland, which a liberal and benignant policy should have dictated; and that this House will now direct its attention to the speedy removal of all existing causes of complaint, by effecting, with as little delay as possible, a proper Reform both in Church and State; and thus, by doing justice to Ireland, by securing to that country the full benefits of the British Constitution, promote content and peace in that country, secure the attachment of the Irish people, and give additional strength and prosperity to the United Empire."

The Question having been put,

Lord *Althorp* denied, that by adopting the Address which his right hon. friend had proposed, the House would be expressing their approbation of the conduct of Parliament from the period of the Union down to the present time. If the Address could bear any such construction, all he could say was, that many hon. Gentlemen, and he among the number, would not, under any circumstances, give it their support. But it did not require from them a sanction which it was impossible they could conscientiously give, and therefore he felt fully prepared to vote for his right hon. friend's Motion. The Address proposed by his right hon. friend stated, and so did the Resolution of the hon. member for Middlesex, that beneficial measures had been passed for Ireland by the Imperial Parliament; and it further stated, as did also the Resolution of the hon. member for Middlesex, that it was the duty of that House to apply such remedial measures to the grievances of that country, as were now required to ameliorate and improve her condition. There was in point of fact little difference between the Resolutions, excepting that one contained more debatable matter than the other, and therefore those who were prepared to vote for the Amendment of the hon. member for Middlesex could not surely object to support the Motion of his (Lord Althorp's) right hon. friend.

Mr. *Feargus O'Connor* said, it was somewhat odd, that if there was little or no difference between the Address and the Resolution of his hon. friend the member for Middlesex, as the noble Lord would have them believe, the noble Lord should have felt it necessary to oppose the Amendment.

Mr. *Finn* equally objected to the Resolution of his hon. friend the member for Middlesex, as he did to the Address. He had made up his mind, that nothing but a domestic Legislature could ensure prosperity to Ireland, and therefore, without imputing neglect to the English Parliament, he should not vote for his hon. friend's Amendment, because it would leave Ireland still at the mercy of a foreign Legislature.

Mr. *Aglionby* said, with the exception of the first part, he preferred the Resolution of the hon. member for Middlesex to the Address. He recommended, that the last clauses of his hon. friend's Amendment should be embodied in the Address; and he thought, if that were done, that the prospect of relief that would be held out would satisfy the people of Ireland. His objection to the first part of his hon. friend's Resolution was, that it might leave an inference, that those who voted for it were not adverse to the dissolution of the Union.

Mr. *Hume* said, that if his Resolution could lead to any such inference, as that he was favourable to a separation of the two countries, he should most undoubtedly not hesitate an instant to withdraw his Motion. He disclaimed any such intention; and if any such interpretation could be put upon the Resolution, which he had proposed, he should, he repeated, at once withdraw it.

Amendment, by leave, withdrawn.

Mr. *Mullins* moved, as an Amendment, "That it is the opinion of this House, that an Address to his Majesty, having for its object the suppression of any Question consistent with the principles of the free Constitution of the British Empire, without a previous inquiry into, and Report upon, its merits by a Committee of that House, would furnish a precedent highly prejudicial to the interests of any portion of his Majesty's subjects, respectfully seeking for redress of grievances, and at variance with those principles which this House, as representing the great body of the people, is called upon to support."

The Question having been put,

Lord *Althorp* said, that he should not take up the time of the House by offering any observations upon the proposition which the hon. Member had just made. He would, however, admit, that the hon. Gentleman having given notice of his intention to move such an Amendment did not take the House by surprise; but still, after there had been two trials of the question, he thought it quite uncalled for to put the House to the trouble of another division.

Amendment negatived without a division.

The Address, and Resolutions, as follows, were then agreed to:—

We your Majesty's most dutiful and loyal subjects, the Commons, in Parliament assembled, feel it our duty humbly to approach your Majesty's Throne, to record in the most solemn manner our fixed determination to maintain, unimpaired and undisturbed, the Legislative Union between Great Britain and Ireland, which we consider to be essential to the strength and stability of the Empire, to the continuance of the connexion between the two countries, and to the peace, and security, and happiness, of all classes of your Majesty's subjects.

We feel this, our determination, to be as much justified by our views of the general interests of the State, as by our conviction, that to no other portion of your Majesty's subjects is the maintenance of the Legislative Union more important, than to the inhabitants of Ireland themselves.

We humbly represent to your Majesty, that the Imperial Parliament have taken the affairs of Ireland into their most serious consideration, and that various salutary laws have been enacted since the Union, for the advancement of the interests of Ireland, and of the Empire at large.

In expressing to your Majesty our resolution to maintain the Legislative Union inviolate, we humbly beg leave to assure your Majesty, that we shall persevere in applying our best attention to the removal of all just causes of complaint, and to the promotion of all well-considered measures of improvement.

Resolved, That the said Address be communicated to the Lords at a Conference, and their concurrence desired thereto.

Ordered, That a Conference be desired with the Lords upon a matter essential to the stability of the Empire, and to the peace, security, and happiness of all classes of his Majesty's subjects.—

Mr. Spring Rice to desire Conference.

SALE OF BEER.] Sir *Edward Knatchbull* moved for leave, to bring in a Bill to regulate the Sale of Beer, observing, that any discussion of the measure that might be desired could take place on the second reading.

Mr. *Warburton* felt it his duty to object to the introduction of any Bill on this subject, however unusual the course might be considered, until they knew its object.

Sir *Edward Knatchbull* said, that he merely asked leave to bring in the Bill now, intending of course to explain its revisions on the second reading. He had understood from the noble Lord opposite, that he would be allowed to adopt this course.

Lord *Althorp* never intended to pledge himself, that no objection to the introduction of the Bill should be made. The hon. Baronet had, however, given the Government precedence at an early hour, when he could have entered at length into an explanation of the measure, and, therefore, he (Lord Althorp) hoped the House would extend to the hon. Baronet the courtesy to which he was entitled, by giving him leave to introduce his Bill.

Mr. *Hume* observed, that this was a subject which involved so many interests, that it would not be advisable to allow any further changes to be made in the Beer-laws until the grounds of the proposed changes were fully stated to the House, in order that the thousands who were concerned in the matter might know exactly what was proposed to be done. Without such a statement, the introduction of the Bill could only tend to excite alarm, and, therefore he also should oppose the Motion of the hon. Baronet.

Lord *Howick* expressed a hope, that the hon. Member for Bridport would not press his objection. He (Lord Howick) was as much opposed as any one to anything like monopoly in the sale of beer, but still it was impossible to look at the state of the law without being convinced of the necessity of imposing some new police regulations with respect to beer-shops. This was the principal object which the measure now proposed to be introduced by the hon. Baronet had in view, and therefore the House ought to consent to his Motion. He was sure, that both the hon. member for Bridport and the hon. member for Middlesex, must feel, that by certain police regulations, many of the abuses that now certainly existed, might be removed. No alarm would be caused out of doors by allowing the hon Baronet to introduce at present his proposed Bill, and to briefly explain the nature of the regulations he proposed. He trusted, therefore, that the House would consent to the introduction of the Bill, since that would not at all pledge them as to its details.

Mr. *Roebuck* thought, they ought to watch narrowly anything introduced by the hon. Baronet, since his opinions on this subject were pretty well known.

Mr. *Ayshford Sanford* was in favour of

the introduction of the Bill. If it were brought in and printed, the people would be better satisfied as to its nature than they could be by any discussion that could then take place; and, from what he had heard of the measure, he considered it one likely to remedy the mischiefs complained of.

Colonel *Evans* thought, that the hon. Baronet in introducing his Bill, ought to state to the House its general purposes.

Sir *Edward Knatchbull* said, he did not, at that late hour of the night, and in his present state of exhaustion, feel the power of fully stating the details of his proposed measure. He should briefly state its chief objects, and he hoped they would prove satisfactory to the House. The House was fully aware how the original measure for the sale of beer was introduced. He did not mean to interfere with the general principle of that Bill of giving cheap beer to the poor, and providing in this respect for their comforts and enjoyments. Though many of the Members behind him might differ with him on certain points, still, if it were shown to them that evils existed, he was sure they would unite with him in adopting mild means to remedy those evils. With a view of repressing those evils, it was his intention to submit a Bill which should provide that sufficient security should be given by individuals who intended to open beer-houses. Before permission was granted them to do so, they should be recommended by persons residing in their parish as fit and proper persons to open such houses. Drinking beer on the premises was not to be permitted, unless the persons owning beer-houses should obtain a certificate from respectable individuals resident in the parish, that a house for the consumption of beer in that way was convenient and necessary. It would be also necessary to give additional control as to the time those houses should be kept open, and to persons visiting those houses in case of disorder and disturbance. These were the chief regulating points of his proposed Bill, and he hoped that the House would be satisfied with them, and think he had said sufficient to show the expediency of introducing the present measure.

Mr. *Warburton* said, it was his intention, when the clauses proposed by the hon. Baronet were about to be introduced, to divide the House upon them. The clause about certificates from persons resident in the parishes where beer-shops were to be opened would prevent those wishing to open them from obtaining such license. He could not even allow the Bill to proceed one step without opposition, and he must divide the House upon the Motion.

The House divided: Ayes 100; Noes 15—Majority 85.

Leave accordingly given to bring in the Bill.

List of the NOES.

ENGLAND.
Aglionby, H. A.
Childers, J. W.
Evans, Colonel
Gisborne, T. N.
Hawes, B.
Roebuck, J. A.
Strickland, Sir G. W.
Thicknesse, R.

SCOTLAND.
Oswald, James
Wallace, Robert

IRELAND.
Blake, M.
Fitzsimon, C.
O'Dwyer, A. E.
Ruthven, E.
Vigors, N. A.

TELLERS.
Hume, J.
Warburton, H.

* * *

HOUSE OF LORDS,

Wednesday, *April* 30, 1834.

MINUTES.] Petitions presented. By the Archbishop of YORK, the Bishop of WINCHESTER, and Earl DELAWARR, from Cambridge, and other Places,—for Protection to the Established Church.—By the Earl of CHICHESTER and Lords SUFFIELD and CARBERY, from several Dissenting Congregations,—for Relief to the Dissenters.—By the Marquess of ABERCORN, Lord WHARNCLIFFE, the Archbishop of YORK, and the Bishops of CHESTER, WINCHESTER, and LONDON, from a Number of Places,—for the Better Observance of the Sabbath.—By the Bishop of WINCHESTER, from Crondall, for Prohibiting the Consumption of Beer on the Premises.—By Earl CAWDOR, from Nairn, for an Alteration in the present System of Church Patronage in Scotland.—By the Earl of CHICHESTER, from Eastbourne, for Rating Owners of Property instead of the Occupiers for the Support of the Poor.—By Lord TEYNHAM, from a Number of Places, for the Repeal of the Union; and from a Number of Places, against Tithes.

CONFERENCE WITH THE COMMONS.] Mr. Spring Rice and others from the Commons brought up a message to say, that the Commons desired a conference with their Lordships, on matters of great importance, concerning the stability of the Empire, and the peace, security, and happiness of all classes of his Majesty's subjects. The conference was ordered to be holden, and the following Peers were named Managers on the part of the House of Lords:—The Marquess of Lansdown (Lord President), the Duke of Wellington, the Archbishop of Cashel, the Earl of Winchilsea, Earl Grey, the Earl of Charlemont, and the Marquess Conyngham, The Marquess of *Lansdown*, on the return of the managers, said: I have to acquaint the House that your Lordships' managers have met those of the Commons, and have received from them the following Address to his Majesty, to which they desire your Lordships' concurrence. [The noble Marquess read the Address, for which see the Debates of the House of Commons, *ante* p. 291].

REPEAL OF THE UNION.] Earl *Grey* said, he rose to propose that their Lordships should at once agree to the Address which had been communicated to them by the other House of Parliament. In thus proceeding, he might be allowed to observe, it had not been unusual in particular cases, and under particular circumstances, to act with the least possible delay; and what case of greater or more urgent importance than one involving the consideration of the continuance of the Union with Ireland—in other words, involving not merely the prosperity and power, but the peace, the integrity, and the safety of the empire—could be conceived? But great, however, and important as the question was, and urgent as were the motives for coming to a prompt decision on that question, he certainly should not, even though sanctioned by precedent, venture to propose to their Lordships an immediate concurrence in this Address, without allowing further opportunity for consideration, if he had not felt, after the subject had been so long before the public —after the agitation to which it had given rise (the evil connected with which must have pressed closely on their Lordships' attention)—after six days' debate in the House of Commons, when the question was discussed through all its several bearings—he should still not have pressed their Lordships' immediate acquiescence in the Address, had he not felt that, under the circumstances which he had described, he need entertain no doubt whatever of receiving the decided, and the unanimous support of their Lordships. He had said, and he repeated, that this was a question which, in his opinion, affected the peace, the safety, and the integrity of the British empire; for if they looked at what had been done of late years—if they considered the principles on which the agitation of this question had proceeded—if they marked the views that had been taken of it—if they examined the results that had been effected, and those which were intended to be produced, by the system of agitation—who could believe, contemplating all these things, that if the same evil spirit which had produced this agitation remained in the full exercise of its influence and its power, that it would not finally, if its career were successful, lead to consequences dangerous to the Monarchy?—who could suppose, that it would not more particularly introduce into that part of the United Kingdom which was peculiarly connected with this question such confusion, such misery, such ruin, as could not easily be described, but which endangered the very existence of the Monarchy? Strong as his feelings on this subject was, and many as were the proofs and arguments which he could bring forward in support of that feeling, still he thought, after the discussion which the question had undergone, that he could throw no new light upon it, and, therefore, it would be but to trespass upon their Lordships' time if he occupied them by proving the truth of that sentiment, with respect to the correctness of which he believed they all felt a firm conviction. Connected as these two great countries were—connected as were these two great branches of the United Empire by the Legislative Union—the severance of that Union would imply not merely a separation of the Government but of the people of both countries—the dissevering of that link which could only be destroyed by the agency of the people themselves—the dissolving of all those ties which now connected the two countries. Suppose this to be effected, what would be the consequence? It would be to expose both kingdoms, thus weakened, to the attacks of foreign enemies; it would be to introduce a state of things which must weaken and lead to the ruin of both countries, but which would more especially be felt by that part of the United Kingdom which it was sought to delude by specious declarations on this question. He could, if it were necessary, go into a very large field of argument and detail on this most important subject; but he did not think that he was called on to express more than these general opinions, which were perfectly in accordance with the Address, and to which, as he had already said, he anticipated their Lordships' unanimous sanction. The Address which had been brought up from the other House stated the whole of the question in the clearest manner. In the first place, it declared to their Lordships the absolute necessity of determining to support the Legislative Union which at present existed between the two countries. It next stated, what he had already endeavoured to state, the necessity of preserving that Union, as essential to the strength and stability of the empire. It then stated most emphatically, that the two countries had benefited by the measure, but especially Ireland. On this point it was in his power to show, by irrefragable argument, how false and unfounded was the assertion that the interests of Ireland had been neglected—how untrue were those assertions by which the people of Ireland had been led to believe, that from the Union they had derived nothing but misery—that it had been to them productive of no good whatsoever. The very contrary was the fact. To prove this, let noble Lords examine the state of the commerce and manufactures of that country; let them turn their eyes to these points, and they would find, that in spite of all the mischief of agitation, improvement had been rapidly going on. Let them look to these things, and then put their hands on their hearts and say, whether they believed or not, that the situation of Ireland was materially and substantially improved by the adoption of that Union which they had lately been called on to dissolve. He deeply lamented the impediments which had been thrown in the way of the more beneficial progress of that great measure; he lamented the moral danger which menaced the Government from the continuance of those efforts which had been made to perpetuate agitation; and he felt that they were bound, by every motive of conscience and duty, by the first law of nature, that of self-preservation, by a true regard for the interest of Ireland, by the solemn duty which they owed their country, to support the integrity of the Crown of these Realms, and to use their best and most strenuous efforts to put down every scheme that was likely to compromise it, and to repel and resist that spirit of insubordination and violence which had been so unfortunately excited in Ireland. That spirit must and should be put down by the strong arm of the law. If it were not repressed, perpetual disturbance must be the inevitable consequence. He trusted, therefore, that their Lordships, having this important object in view, would agree to the Address, which was entirely in accordance with that pledge which they had already given at the commencement of the Session, to put an end to that system of intimidation which had worked so much evil, and which would work much more, if it were not put an end to. Acting in the spirit of that declaration, adhering to that determination, he then pledged his Majesty's Government to use the powers with which they were intrusted for the interest of the United Empire, and more especially for the benefit of that deluded people, to mislead whom the strongest endeavours had been made—endeavours which, if successful to the extent desired, would lead to the inevitable ruin of the empire. Perhaps it was scarcely worth while for him to enter, on this occasion, into a charge which had been made against himself, as if he were doing something wrong because he now supported the continuance of the Legislative Union between the two countries, having been one of those who, at the time when the measure was proposed, thought it necessary to oppose it. He did so conscientiously. At that time he acted almost alone in the House of Commons, for Mr. Fox did not then attend in the House. But how stood the case now? He was called on to state his opinion, after the existence of this Union for four-and-thirty years—after it had become an essential link between the two countries, after it had become a measure necessary to be preserved, if they respected the safety of the empire. The severance of that link would, he felt a deep conviction of the fact, tend to the destruction of the empire. Was it, then, improper for him, under those circumstances, either with reference to consistency or to duty, to stand forward for the purpose of preventing that Union from being broken up which had lasted for so many years? It was a thing, perhaps, which at the time should not have been done; but which, having been done, they would by undoing hazard the undoing of the country. It was an ancient maxim in law "*quod fieri timuit sed factum valet.*" He would say, that though great objections existed to the accomplishment of the Union, yet a much greater evil would now result from dissolving it; and it was upon this principle that he resisted the Repeal. Although looking back to the circumstances of the time when the Union was proposed, and the feelings which then actuated him, he was not certain that he would not take the same course again, if similarly situated; yet, adverting to the whole of the question, considering what had passed since, and observing the manner in which the Union had benefited Ireland, he was prepared to say, that formerly he was, perhaps, mistaken. He trusted, however, that no imputation would rest on him for avowing a change in his opinion, when there was reason for the change. He had vindicated that course when others had so acted, and in his own case he was prepared to vindicate a change in opinion and in conduct which was obviously justified by a change of circumstances. He repeated, distinctly, that, under present circumstances, he felt himself bound to support that expression of determination so strongly and properly set forth in the Address sent up from the House of Commons. It embraced, first, the determination to resist the proposed breach of the Union; it stated the advantage which the Union had conferred on both countries, but more particularly on Ireland; and it pointed out, which was the last and the most valuable part of the Address, that with the determination to support the Union, there existed an anxious desire to pay the utmost attention to the interests of the people of Ireland, which was undoubtedly one of the first duties of the Legislature. That care and attention had not been paid to the people of Ireland—that their interests had not been consulted—was an assertion as false and unfounded as ever was made. That attention which had hitherto been paid to the interests of the people of Ireland would still be continued; and, as was expressed in the Address, the Legislature, which had already passed many laws, with a view to the advantage and improvement of Ireland, would still persevere in pursuing that course—they would still bring forward and perfect those remedial measures which would finally remove all cause of just complaint. He stated this more particularly in consequence of what had fallen from the noble Baron (Lord Teynham) on the cross-bench. He was glad to find, that the noble Baron was not one of those who would support the Repeal of the Union: but the noble Baron threw out an insinuation, if he did not make an assertion, that hitherto the interests of Ireland had not been fairly attended to. But he defied any person to prove that such was or had been the fact during a period of several years. He knew, that much had been done for Ireland—he also knew, that much remained to be done for that country, and Parliament was anxiously engaged in taking the necessary measures for that purpose. No noble Lord was more anxious to proceed in that course than he was; no man was more anxious, in the spirit of good faith and justice, to maintain and secure that Union, on the preservation of which as he had said before, the prosperity of both countries depended. He had now briefly stated his view of the subject, he had also stated the object of the Address, and he did not feel it necessary, on an occasion where he expected no opposition, to trespass further on their Lordships' time. He should therefore conclude, with all the sincerity and warmth of feeling which the occasion called for, by moving an Address which pledged that House to assist his Majesty in his efforts to maintain the integrity of the empire, by maintaining the Legislative Union—to convince the deluded people of Ireland, that the course which they had been engaged in for some time past could only lead, as it had led, to nothing but evil, and that their interests would be best promoted by obedience to the law, and by a due respect for the constituted authorities. That these sentiments would ultimately prevail he felt confident from the vote of the House of Commons last night: that vote, as appeared from the paper on their Lordships' Table, had been carried by a majority almost unparalleled in the annals of Parliament. He felt this more particularly when he looked at the number of Irish Members who took part in the division. The Irish Members, including the teller who voted for the Original Motion, amounted to thirty-nine, while fifty-nine voted against it. That the Irish Members themselves, notwithstanding all the arts which had been employed—notwithstanding the intimidation that had been resorted to at the last election—that the Irish Members themselves, thus pressed, had exhibited a considerable majority in favour of this Address, was a most gratifying circumstance. This proved, that there was not a general feeling against the Union throughout Ireland—it showed that the wealth, the intelligence, the real influence of Ireland, were decidedly in favour of supporting a measure which was necessary to the connexion of the two countries.

With that conviction, and with an increased confidence in the success of those measures which had been introduced to support the authority of the law, and the just power of the Government—with a deep conviction that the efforts of the Government would, in a certain time, correct, as far as human minds and human means could correct them, any grievances of which the people of Ireland had just reason to complain, he should conclude by moving—"That their Lordships do agree in the said Address, and that the blank be filled up with the words 'Lords Spiritual and Temporal.'"

The *Lord Chancellor* said, he was sure, that it was wholly unnecessary for him, in rising to second the Motion of his noble friend, to detain their Lordships for more than a very few minutes, while he expressed his most cordial and deliberate concurrence in the address which had been proposed. After the eloquent and impressive speech which they had just heard, it might have sufficed for him to recommend that Address simply on its own merits, without further observation, especially as he anticipated an entire unanimity of sentiment on this occasion. What he was now about to urge to their Lordships might, therefore, be considered as wholly unnecessary, if the subject and the question were not of a very peculiar nature. It was true, as his noble friend had said, that this was not an unusual course of proceeding for their Lordships to take. On the last occasion when they went up to the Throne with an address from both Houses of Parliament, they did so to show their loyalty to the Crown, and to express their regret at an attack which had been made on the life of the existing monarch. They were now called on to pursue the same course—to manifest their concurrence with their fellow-subjects of the other House of Parliament, in resisting proceedings which tended immediately and directly, as he in his conscience believed, to endanger the existence not of the Monarch, not of the Peers, not of the Commons—no, but to place in jeopardy the existence of the united empire itself. He could not view the proceedings that had taken place in the House of Commons without rejoicing in that long and elaborate debate, which had laid open and placed in the most prominent point of view every portion of this great subject. He entirely agreed with his noble friend, that if anything could rescue the people of Ireland from the situation in which they had been placed—if anything could wean them from those prejudices which had been industriously spread abroad—if anything could open their eyes to the delusion which had been practised on them, and make them form a just estimate of this question—if anything could lead them to distrust those who were making them their tools, in order that they might afterwards make them their dupes, for the sordid gain of those who were thus acting, but also for their own inevitable undoing, it would be effected by that discussion. If anything could show them (and many of them, he believed, were intelligent and reasonable) that the course which they had taken was wrong—if anything could reclaim them from the false guides by whom they had been misled—it was the lesson which had been read to them by the Representatives in a free Parliament of the people of the United Kingdom, when they found only a minority of their own Representatives in favour of the Repeal, and when they also found, notwithstanding the various shades of character, of opinion, and of temper which must naturally be supposed to distinguish the 560 Members for England, Wales, and Scotland, who were assembled on the occasion—when they found, notwithstanding all that diversity of character, in spite of anything that might be gleaned from the chapter of accidents, or picked up from the table of chances—that of all the Members of this island of Great Britain, not one was found to hold up his hand—oh, yes, one solitary exception was found—one individual did hold up his hand in support of the Motion;—when they found all this, it would surely teach them to doubt the assertions of those by whom they had been so long guided. They had been taught, that it was fatal to Ireland, and beneficial to England, to maintain the legislative Union between the two countries; but when a Motion the object of which was to inculcate such a principle was brought forward—a Motion which was supported with no lack of talent—a Motion which had collected together so vast a number of Members—when they found that only one solitary hand amongst the Members for England, Scotland, and Wales, was held up in favour of such a Motion, he did hope and trust that that lesson, that memorable lesson had not been thrown away. It was a most strange, a most lamentable thing, that Ireland, endowed by nature in her most lavish mood with so many blessings, with so many natural, with almost every moral, and with so many political advantages—formed as it were for the acquisition of wealth, fitted for all degrees of natural prosperity—should be placed in the situation in which they at present saw her; for, he would ask, could there be a greater proof of her capacity for the most extensive improvement, than the fact that, in spite of the unnatural children of her soil, who checked her resources, who obstructed the bounties of nature, who resisted the designs of Providence—could there be a greater proof of her capacity for improvement, than that in spite of those attempts, of those unnatural attempts, which he hoped would hereafter prove abortive, a manifest, sensible, and rapid progress had been observable in that country in every species of improvement for a considerable time past? All gracious God! Why was not that improvement fully commensurate with the means of the country? Why was it retarded? Why was it stayed? Of what grievance did the people of Ireland complain? They knew not. Of the book of Ireland's wrongs little now remained, except one or two chapters, which would speedily, by the wisdom and justice of Parliament, be erased out of its pages. But all this mischief was occasioned because it so happened that certain individuals, gifted by the same bountiful nature which had bestowed so much on that country—with great talents, and who had added large acquirements to their natural abilities —who were gifted with the capacity of raising themselves to wealth by honest industry, to power by the pursuit of innocent ambition, fitted for useful purposes to the service of the state by following a temperate course—all this mischief was occasioned because those misguided men, as much miscalculating their own happiness, if they knew what happiness was, as they obstructed the happiness of those whom they misled—as much at war with their own interests, if rightly understood, as they were at war with the interests of those subjected to their control—the evil was created, because those men preferred to honest industry and its creditable and honourable gains, a life of restless agitation, supported by a species of personal as well as political mendicancy—a state of existence which, such was the honourable feeling implanted in the mind of man, never failed to engender even in those who were driven to it by inevitable necessity, the feeling of unbearable shame. My Lords (continued the noble Lord), there have been geniuses in former times, and one of them, the second of modern poets, has recorded, in his own immortal verse, how he felt when reduced, not by his own idleness or extravagance, but by the political contests of his country, and by the persecution of those whom he had not the power to resist; he was obliged to beg his bread during a season; and far from glorying in it he could hardly live under it, and he has recorded in his own matchless verse that sense of shame under which, though there was no real disgrace in such mendicity, he so keenly laboured when he found himself compelled to receive alms from his fellow-countrymen. He tells us, that this sad necessity made every fibre of his system quiver with shame. I trust, my Lords, that there are few gifted with such genius who will long suffer the shame—who will long brook the indignity of such humiliating courses, or who will long, by such means as those, in order to perpetuate such base and unmanly support, continue to plunge their country in discord. I do hope and trust that this lesson will not be lost upon the people of Ireland, and I therefore look forward henceforth to the renewal of peace and amity and good feeling between all parts of the empire. Of this I am morally certain, my Lords, that when the parties in Ireland who have raised this clamour shall find that the people of England will not join them, or rather their leaders, for it is of their leaders and not of themselves, that we ought to complain —when they find, that they are to receive no support from the rational and intelligent people of this country, they will emancipate themselves from this submission to force and fraud of which they are at present the victims, and that they will join you, my Lords, and the other House of Parliament, not in trying to sever the bonds which link the two nations together, but in receiving and profiting by all the benefits which the perpetuity of those bonds is alone calculated to insure them. I entertain the most sanguine hopes, that henceforth you, my Lords, instead of relaxing in your efforts for the removal of those grievances which still press upon the people of Ireland, will redouble those efforts—that you will with greater vigour bestir yourselves in their behalf, and that, above all things, you will hold out the hand of support and friendship to that party, hitherto too insignificant, the middle party in Ireland, of which my noble friend, the Lord Chancellor of that country, has so repeatedly spoken in this House, and with that authority which his patriotism, his experience, and his talents command —a party removed alike from the extreme pride of the one side, and the extreme turbulence of the other—that national, loyal, and patriotic party, for supporting the Union and the common advantage of both countries. I heartily concur in this Address, and I am sure it will meet with your Lordships' unanimous approval. I should to-night have stated only one-half the reasons, and have mentioned only one half the arguments, in favour of the continuance of the legislative Union, if I had not reminded your Lordships that if that Union has done much—that if Parliament has bestowed great blessings upon Ireland—that if it has removed many grounds of complaint, much may still remain to be done, and that the sooner you stir in that business, the sooner the remaining work is set about by the Imperial Legislature, the better will you consummate that of which this night and last night saw—I will not say the beginning but the progress, [and the more effectually will your Lordships cement and make perpetual the Union between those two portions of the empire.

The Duke of *Wellington* said, that concurring as he did in the Motion of the noble Earl for agreeing to the address adopted by the Commons, he would only trouble their Lordships with one observation. He agreed entirely in the opinion expressed in that address—namely, that the Union had been of the greatest possible utility to the people of both countries, and most particularly to the people of Ireland; and he begged to express his cordial concurrence in that part of the address which stated the determination of both Houses of Parliament to maintain inviolate and undisturbed the legislative Union between Great Britain and Ireland.

The Marquess of *Londonderry* said, that the Union had conferred the greatest advantages upon both countries. He had, on this occasion, to add his humble meed of praise to the praise which he was sure the conduct of the noble Earl at the head of the Government would, on this subject, receive throughout the country, and especially in Ireland. This measure would entail greater honour on the noble Earl, and would hand down his name with higher claims to the gratitude of posterity, than anything he had ever done before. It had been said—

> "——The evil which men do lives after them;
> The good is oft interred with their bones."

But whatever evil the noble Earl might have done in formerly resisting the measure of the Union, he had now amply compensated for it, and justifying, as he had fully done, the change of his opinion from that which he entertained thirty-four years ago, he had conferred the greatest good on his country by thus coming forward to stand by the Legislative Union of the two countries. He begged to express his cordial concurrence in the Address.

The Marquess of *Westmeath* could not let this occasion pass without expressing the deep gratitude which he owed to the House of Commons for its vote last night. He regarded it as an earnest of that protection which they who were in the minority in Ireland were to receive against their never-ceasing enemies, and he derived the highest gratification from the determination to maintain the Union expressed by the noble Earl in introducing an address which he was sure would meet with the unanimous support of that House.

The Address was agreed to, *nem. con.*

On the Motion of Earl Grey a conference was had with the Commons to announce to them, that their Lordships had concurred in the Address voted by the Commons respecting the Union.

On the Motion of Earl Grey, the Lords with white staves were ordered to present the Address to his Majesty.

HOUSE OF COMMONS,

Wednesday, April 30, 1834.

Minutes.] Bills. Read a second time:—Climbing Boys; Weights and Measures.

Petitions presented. By Mr. Hume, Mr. J. Oswald, and Mr. R. Wallace, from Isleworth, and other Places, —against the Lord's Day Observance Bill.—By Mr. Tooke, from several Places, against employing Children in the Cleaning of Chimneys.—By Mr. Ewing, Lord Morpeth, Sir Charles Burrell, and an Hon. Member, from several Places,—in favour of the Lord's Day Observance Bill.—By Sir Andrew Agnew, Mr. Mostyn, Mr. Tooke, Lord Viscount Mandeville, Mr. Greene, Lord Waterpark, Mr. Estcourt, Colonel Conolly, Mr. Ramsden, the Earl of Lincoln, Mr. Clive, Mr.

THROCKMORTON, Mr. HODGES, Mr. MADOCKS, Lord NORREYS, Mr. WILSON PATTEN, Mr. LLOYD WATKINS, Sir RICHARD SIMEON, Mr. TYRELL, Mr. SHAW, Mr. PARKER, Mr. DENISON, Mr. LYSTER, Sir H. PARNELL, Mr. SHAW LEFEVRE, Mr. CHAPMAN, Mr. WYNN, Mr. CHRISTMAS, Mr. MILES, Mr. TYNTE, Mr. BLAMIRE, Mr. FREDERICK NORTH, Mr. EWING, Mr. PELHAM, Sir RALPH LOPEZ, Mr. SMITH, Mr. PEASE, Mr. EDWARD JOHN STANLEY, Mr. SANFORD, Mr. HANDLEY, Mr. HODSON, Mr. PLUMPTRE, Mr. LEFROY, Mr. GISBORNE, Mr. G. W. WOOD, Mr. HALL DARE, O'CONNOR DON, Mr. LANGSTON, Earl GROSVENOR, Mr. BOUVERIE, Lord ASHLEY, Mr. MURRAY, Mr. BRISCOE, Mr. WIGNEY, Sir FRANCIS BURDETT, the Marquess of CHANDOS, and Mr. WILBRAHAM, from a great Number of Places,—for the Better Observance of the Lord's Day.—By Mr. RIGBY WASON, from the Baptists of Ipswich, against the Church Rates Bill.—By Mr. JAMES, from the Hand-Loom Weavers of several Places, for Relief.—By Lord MORPETH, from Doncaster, for a Representative; from the Manufacturers of Cards used in Spinning Mills in Halifax, against the Illegal Combinations of the Trades' Unions; from the West Riding of York, against the General Register Bill; and from several Places, for Relief to the Dissenters.—By Mr. ROEBUCK, from Forfar, against the Taxes on Knowledge; from Bath, against Employing Children in Sweeping Chimneys; and for relieving Merchant Seamen from the payment of Sixpence to Greenwich Hospital.—By Lord MORPETH, Sir CHARLES BURRELL, and Messrs. COLLIER, LYALL, and FOLEY, from a Number of Places,—for the Better Observance of the Lord's Day.—By Sir CHARLES BURRELL, Mr. BLACKBURN, and Lord CHARLES RUSSELL, from several Places,—for Amending the Sale of Beer Act.

LABOUR RATE.] Sir *Charles Burrell* presented a petition from the Justices of the peace acting in and for the extensive divisions of Guildford and Farnham, in the county of Surrey, and resident gentry and farmers occupying lands therein. The petitioners, stated that they had been witnesses of the numerous beneficial effects produced in very many parishes within their several divisions by the Act of Parliament passed in the second and third years of his present Majesty, entitled "An Act for the better Employment of Labourers in Agricultural Parishes;" that, in such parishes as had availed themselves of the provisions of the said Act, many industrious labourers had accordingly been better employed, having been withdrawn from various degrading and unprofitable pauper occupations, and restored to their natural employment in agricultural affairs; whereby the cultivation of the land had been greatly advanced, and the labourers rendered contented by increased wages and more congenial avocations—facts which they confidently asserted had been proved to their conviction by the great diminution of the business of the petty sessions; where, prior to the passing of the said Act, applications made by labourers for parochial relief or employment engrossed a large portion of their time but which had almost entirely ceased in the parishes which had resorted to its provisions. The petitioners did not mean to assert, that the Labourers' Employment Act effected any diminution of outlay to the community, for the labourer must be supported, and, in point of fact, received greater wages in the service of an individual than from parochial employment; but not only was the labour used by individuals more beneficial to the employer, and more productive to the community, but it appearing that where the Labour-rate Act had been in operation a considerable diminution in the sums assessed on the Poor-rates had been the consequence, they could not but consider any diminution in the levy of an impost vexatious in its nature and liable to misapplication, of itself a highly important result. In proof whereof, the petitioners begged to call the attention of the House to a statement subjoined to the petition; whereby it appeared that, in sixteen parishes where the labour-rate had been adopted, the monthly average number of paupers had been reduced by upwards of 290 men, and the sum expended in support of such labourers exhibited a difference of 400*l.* 13*s.* per month. The petitioners therefore prayed, that as the outline of a general and comprehensive measure for removing many of the grievances connected with the present system of Poor-laws had already been developed by one of his Majesty's Ministers, that, in the event of any delay attending the passing of such a measure, an Act from which so many important advantages had accrued might not be abandoned, but that it might be re-enacted for such limited period and with such improvements as should seem meet to the wisdom of the House. Several objections had been made to the clauses contained in the Bill, which he had the honour to introduce on this subject; but if the House would permit him to go into a Committee, he pledged himself to make one or two amendments founded on the suggestions of some of the most intelligent practical men in the country. He must say, that great advantages had resulted from a labour-rate in every parish where it had been adopted, and he challenged any hon. Member to adduce an instance in which an incendiary fire had taken place where the Bill had been in operation. He would read to the House a statement of the averages taken from returns made by sixteen parishes in the Divisions of Guildford and Farnham, prior to and during the operations of the labour-rate, which would show to the House, that a decrease of more than one half in the number of pauper labourers, and a proportionate diminution in the cost for supporting them, had taken place, under the provision of the Labourers' Employment Act. The statement of the sixteen parishes was as follows:—

Monthly average of pauper labourers prior to the introduction of the labour-rate .			536
Monthly average of pauper labourers during the operation of the labour-rate . .			243
Average monthly diminution of pauper labourers during the operation of the labour rate . . .			293
Average monthly cost for supporting the pauper labourers prior to the labour-rate .	£700	8	10
Average monthly cost for supporting the pauper labourers during the operation of the labour-rate .	299	15	10
Average monthly diminution of cost for supporting the pauper labourer during the operation of the labour-rate . . .	400	13	0

Thus the average diminution of pauper labourers for one year amounted to 3,516, and the average diminution of cost for supporting them for the same period, and at the same rate, to 4,807*l*. 16*s*. He trusted hon. Members would give the subject a fair, candid, and unbiassed consideration, as they would find it not only of great advantage to themselves, but also to the whole country. He felt convinced, that the advantages of the measure only required to be known to be generally appreciated.

Mr. *Clay* did not think, that the country Magistrates who had possessed the Administration of the Poor-laws for a number of years had proved themselves to be such good managers of the poor, as that the management should be continued to them. He was opposed to the principle of a labour-rate, and he entreated hon. Members to see the Report of the Poor-law Commissioners on the subject. It was proved by that Report that the Labour-rate Act had been attended with most injurious consequences.

Lord *George Lennox* was in favour of a Labour-rate. He had had experience of its utility, and he could speak of it from his own knowledge. He was sorry that he had not had an opportunity of presenting a petition, signed by thirty Magistrates of the county of Sussex, in favour of a labour-rate. That petition had been committed to his care a fortnight before Easter, but, in the lottery which regulated the presentation of petitions, he had not the means of presenting it, though he had attended every day since for that purpose. He was, however, progressing a little, for he found that after waiting six or seven weeks, he was now the 48th on the Speaker's list.

Mr. *Fysche Palmer* bore testimony to the advantage of a labour-rate in Bedfordshire and Berkshire. He could speak from his own knowledge, that in those parishes where the plan had been introduced, all the labourers had been employed, the greatest regularity prevailed, and all were contented and happy.

Sir *George Strickland* rejoiced that his opposition to the Bill when it was introduced had been the means of preventing it being permanently acted upon. He contended, that the principle of the Bill was to make every man in the parish take a certain number of labourers, whether he wanted them or not. For his own part, he could not distinguish between such a principle and the principle adopted by the Trades' Unions, which had been so frequently deprecated in that House, of compelling masters to take a certain number of workmen whether they could find employ for them or not.

Mr. *Estcourt* said, the principles of the Bill had been quite mistaken by the hon. Member who spoke last. By one of the clauses it would be found, that the plan could not be adopted in any parish without the consent of a large majority, he believed two-thirds or three-fourths, of the rate-payers. He approved of the measure as a temporary one, though he admitted the principle not to be a good one; but the hon. Members ought to recollect that we were in an artificial state of things, and were to get out of our difficulties, or at least mitigate them, as well as we could.

Mr. *Slaney* admitted, that the Labour-rate Employment Bill was only used as a palliative, but still any one who had read that interesting but melancholy volume, the Report of the Poor-law Commissioners, would see how injudicious it would be to re-enact the Act in question. He thought it would be most advisable that gentlemen should combine to make the measure introduced by Government for the improvement of the Poor-laws an effective one; and certainly nothing could be more injudicious than that the present measure should be brought under the consideration of the House.

Sir *Charles Burrell* wished to have avoided a reply, but it was rendered necessary by the observations of some hon. Members, who were not acquainted with the provisions of the Bill. In allusion to one observation, he would merely say, that not only were the inhabitants of large towns not interested in the Bill, but they were shut out from its operation, inasmuch as towns embracing more than one parish could not adopt its provisions. The hostility of the hon. member for Yorkshire was therefore founded more on prejudice than reason. He was aware of the objections made to the principle by the Report of the Poor-law Commissioners, but he hoped to have an opportunity of showing, that the replies made to the inquiries of the Chancellor of the Exchequer were founded in erroneous and theoretical views, and not on any practical basis. With respect to the clergy being unjustly affected by the Act, he should take occasion on the second reading to show that a great many of them were favourable to its provisions. He should be prepared to show, that the tithe-owner was not unjustly treated under the Bill. He must, nevertheless, observe that when tithe owners, whether lay or clerical, took up their tithes in kind, they were justly required to find their proportion of employment for the parishioners, as much as the landowner, in a similar ratio to that which required the tithe-owner to contribute to the Poor-rates, whether by himself or his lessee. His esteemed friend, the member for the University of Oxford, had made an objection to the principle of the Bill; but if he would only refer to the Act 43rd Elizabeth, c. 2, which was an Act passed to relieve by work the labouring classes thrown out of employ by the suppression of monasteries, &c., he would find it was provided, "that the overseers of the poor shall take order from two or more Magistrates, from time to time, for setting children to work, &c.; also for setting to work all persons married or unmarried, having no means to maintain themselves; and also to raise, weekly or otherwise (by taxation of every inhabitant, parson, vicar, and others, and of every occupier of lands, houses, tithes impropriate, propriations of tithes, coal-mines, or saleable underwood, in such parish, in such competent sums as they shall think fit), a convenient stock of flax, hemp, &c., and set the poor on work; and also competent sums of money for the relief of the lame, impotent, old, blind, and such other among them, being poor and unable to work, &c." By some strange perversion of intellect and common sense, these words had been construed to extend no further than to workhouses and ground attached thereto; but nothing could be more contrary to the humane intentions of the Act. When the proper time came, he trusted he should be able to show that the Bill was not justly liable to the exceptions and prejudices created against it, and which practice and that petition showed to be utterly unfounded.

Petition laid on the Table.

DORCHESTER LABOURERS.] Mr. Roebuck presented a petition from Chard in favour of the Dorchester Unionists.

Mr. *Harvey* took that opportunity of denying a statement made by a right hon. gentleman on a former occasion, that he was solicitor to the Trades' Unions. There was no foundation whatever for the statement. He wished it, nevertheless, to be understood, that he should not shrink from assuming that character, if he thought that his advice could be of any advantage to the labouring classes of the country. He regretted, that no Minister was present, as this was the third or fourth time the subject had been discussed without any practical result. These petitions ought to be disposed of in some way or other; for, to pass them over totally unnoticed, was only adding insult to the sufferings of the thousands of agricultural labourers who looked up to that House for justice and protection. From an examination of the legal merits of the question, and from an examination of the Acts of Parliament, and from the charge and sentence of the Judge, he was convinced, that these men were illegally convicted and unjustly sentenced. He was not disposed to place much weight on the opinion of lawyers, as such, in questions of equity and justice; but where they differed, the benefit of the doubts they had upon the law ought to be given to those who might come within its operation. He asked the House, then, if they were prepared to allow this matter to pass without some remonstrance? It had been truly said, that these men had been transported; not because they took oaths, but because they belonged to unions, which produced annoyance to the rich. The resolutions of these men did not contain anything improper or illegal. One of the private rules of the society was, that no immoral songs or toasts should be allowed to be sung or given in the society. Was not this a proof that the conduct of these people did not merit condemnation? The object of the unionists was to obtain a proper reward for their labour. Were they not justified in doing this? Why, in his neighbourhood in the country, a union had been established by the agriculturists. To be sure, it was not called a union; no, that phrase would not be pleasing to ears polite. It was called an association, and the object of it was to see, that no encroachment was made upon the landed interests. Were the trades not as much justified in uniting to take care of their interests as the agriculturists of the country? If they were to act as the agriculturists' associations had done—form Committees to sit in London and beard the Government—what denunciations would there not be against them in that House, and in a very short time a law would, no doubt, be passed to put them down. He contended, that the punishment awarded was most disproportionate to the offence, if it could be called an offence. Had they been convicted of sedition, which was comprehended in the same act, no greater punishment could have been awarded. He did not hesitate to say, that, in his opinion, Trades' Unions were proper; they were legal, and that labourers had an infinitely greater right to meet for the protection of their labour, which was their property, than any other class of individuals. Nevertheless, he thought they were mistaken in expecting they would be able to enforce an increase of wages; and if they followed his advice, they would aim only at reducing the public taxation.

Mr. *Rigby Wason* thought, that a higher degree of punishment had been awarded than the nature of the offence merited; nevertheless, it was quite impossible for the Judge to have pronounced any other sentence. It was for the consideration of the Crown, whether, in such a case, the punishment ought not to have been mitigated.

Mr. *Pease* would be the last man in that House to stifle discussion, and particularly on a subject like that of the Dorchester Unionists; but he put it to the House whether, after the full discussion that had taken place on the subject, and after a day had been set apart entirely for the purpose of receiving petitions in their behalf, the present discussion was not highly inconvenient.

The Petition was laid on the Table.

OBSERVANCE OF THE SABBATH.] Sir Andrew Agnew moved, that the Bill for the better Observance of the Sabbath be read a second time.

Sir *Oswald Mosley*, in seconding the motion of the hon. Baronet, thought that it would be highly impertinent for him to offer any lengthened remarks in favour of this Bill, after the numerous petitions which had just been presented, and it would be equally impertinent in any one who should also assert, that the Bill had not excited the attention of the kingdom, when it might be said that no subject had come under their cognizance for years which had excited so much attention, or on which so many petitions had been presented, except the Slavery Abolition and the Reform Bill. In seconding the Motion of the hon. Baronet, he did so in the confident hope, that the House would treat the hon. Baronet with more respect than they had done the preceding year. He thought the hon. Baronet's intentions had been widely misunderstood in that House, and as much misinterpreted out of doors; for it seemed as if, looking at the marginal notes, hon. Members had seen the word "penalty" only, and had accordingly named the Bill a Bill of Pains and Penalties. Let him ask, how could the provisions of any law be enforced without penalties; but to avoid entering on the discussion of these matters now, he would only say, that the Bill might be very greatly altered and amended in the Committee; and he should pass to the consideration of the principles on which the Bill was founded. In a Christian country, such as this was, the due observance of the Sabbath was a primary subject of consideration. He might be told, that there already existed legislative enactments for enforcing that observance; but he, as a Magistrate of many years' standing, could say truly, that he had found the existing laws totally inefficient for that purpose, and therefore he came to the conclusion that some others were necessary. He saw hon. Members' eyes turned up,—and, among the others, the hon. member for Montgomeryshire. Now, let him ask that hon. Member, whether he had not observed more desecration of the Sabbath in his county since the Beer Bill had passed, than he ever witnessed before? And now let hon. Members look at this Bill. It professed to secure to all classes that rest on the Sabbath, from which they were now precluded, owing to the established customs and usages of society at large. Did it deprive the poor of any of their recreations?—No. Why, truly, if travelling a few miles in and out of town on a Sabbath was a deprivation, then the Bill prevented that; for this was a desecration of the Sabbath. But the Bill would not prevent any one from travelling to church or chapel on a Sunday. He should like to know what the LORD's Day was instituted for, if it were not for the worship of GOD? And all the Bill sought for was, to give to those classes who were now denied it the privilege of worshipping GOD; and the petitions of the journeymen bakers, and of the hackney-coach and stage-coach drivers, proved, that such was the nature of the measure. The Bill interfered with no man—["*It does.*"]—with no man's conscience. It took away from no man the liberty of attending whatever place of worship his peculiar creed induced him to frequent; and all it sought to effect was, to prevent men from hindering others from attending their places of worship. For instance, there was a clause which prohibited travelling on the LORD's Day. Now did that interfere with any man's conscience? Any man might travel as far as his chapel and no further. But would it be said, that the Bill was so objectionable that any hon. Member could oppose it altogether? If it were so, let him only point to the preamble of the Bill, and declare, that if the House assented to the principle therein asserted, it would do wrong; if it were not so, then let the Bill be suffered to go into Committee, where there would be plenty of time to alter and amend it. Many bills had been so altered in the Committee, that the hon. Member who first framed them did not recognise his own work; and the same might again be the case. If the House persisted in throwing this Bill out on the second reading, it would be in defiance of the petitions, and an insult to the feelings and wishes of the people; it would be equivalent to saying that the House would not legislate on the subject at all, even after they had been asked to do so by the kingdom at large. Under these circumstances, he suggested the propriety of suffering the Bill to go into Committee; if they did not, they might look for double the number of petitions on the subject in ensuing sessions; and they might also expect the matter to be forced upon them in a manner which would be anything but agreeable to themselves. He begged to second the motion of the hon. Baronet.

Mr. *Edward Lytton Bulwer* said, he rose with great respect for the hon. Baronet's motives, and with the most cordial hatred for his theories of legislation, to move, that the Bill be read a second time that day six months. He agreed with the last speaker, that the hon. Baronet's Bill had been grossly misrepresented by those who asserted it would create too austere a veneration for the LORD's Day; on the contrary, it would tend to bring the LORD's Day into general disregard. He feared the hon. Baronet was a wolf in sheep's clothing—a philosopher in disguise, who aimed at endangering religion itself by showing to what gloomy and tyrannical purposes the name of religion might be applied. In the outset of the Bill, the hon. Baronet stated, that the laws on the Sabbath had become practically insufficient. When did any laws become impracticable? Why, when they were not suited to the spirit of the people. If the laws on the Sabbath were a dead letter, it was because they were already too severe. When on other branches of legislation—such, for instance, as the criminal code—the law lost its vigour, how did they restore it? Did they make it more severe? No! they made it more gentle. But the hon. Baronet, in his wisdom, would revive a law by making it more opposed to the genius of the times, and, by rendering it doubly severe, he would render it doubly inefficient. The hon. Baronet said, in his first clause, that the comforts and conscientious scruples of one class were not to be sacrificed to the supposed comfort and advantage of another. Yet all the rest of the Bill was ingeniously framed to contradict the assertion with which he commenced. For, by-and-by, the hon. Baronet asserted, that no part of the gloomy blessings of his Bill extended to menial servants in the employment of their masters. Here, then, according to the hon. Baronet's creed, was an exclusive class especially marked out for perdition. The comfort of no class was to be sacrificed to the supposed advantage of another; yet here the more numerous class (the servants) was sacrificed to the less numerous class (the masters). Again, who were to apprehend the naughty persons attending a news-room, or sauntering into a tea-garden? The policemen, he supposed. What! Here, then, was another class marked out for perdition. Why were the comforts, the conscientious scruples, of the policemen to be sacrificed to the supposed comfort and advantage of the hon. Baronet, or those zealous and sanctified persons he so ably represented, who

> Compound for sins they are inclined to,
> By damning those they have no mind to?

Unhappy servants! Unfortunate policemen! Why were their souls less dear to the hon. Baronet than the souls of the journeymen bakers, and the souls of the journeymen fishmongers? The hon. Member who seconded the Bill, said it would outrage the consciences of none. What! was there not, too, a large body of Christians in the country, as fervent, as orthodox as the hon. Baronet himself, who most conscientiously differed with the hon. Baronet in his interpretation of the Sabbath —who considered it most unscriptural to confound the Jewish Sabbath with the Christian Sunday, who considered it even wicked to take from the Christian Sunday its festive and cheerful character? Why was the comfort—why were the conscientious scruples of these men to be sacrificed to the supposed advantage of those who agreed with the hon. Baronet? Did not these exceptions—did not his own exemptions, teach that hon. Gentleman, that he had embarked, rudderless and pilotless, in a sea of blunders—that, in an artificial state of society, some must work, that others might rest—that nature herself allowed no universal rest? Universal rest was universal stagnation. Did the Bill not teach him, that even the puritanical net the hon. Baronet would cast on the waters let out of its clumsy meshes the very species of fish he was most desirous to catch? Apply the hon. Baronet's principle generally, and the maddest philosopher never devised a principle half so revolutionary. Not sacrifice something of the comfort of one class to the supposed advantage of another! Why, all society rested upon exactly the opposite principle. Society was a bundle of mutual sacrifices; else why did the ploughman work—why did the soldier fight? Why did the hon. Baronet himself give up the silken comforts of ease, and consent to be badgered in that House? Was it not a sacrifice of comfort in some, for the supposed advantage of others? Having, then, excepted from the operation of his Bill, servants and policemen, and, very properly, medical men, and, very strangely, the milkwomen—for milk being a liquid peculiarly holy and Sabbatical, those venerable ladies were allowed to sell their wares twice a day, he supposed upon some TE *Deum* principle—the hon. Baronet next exempted from the snares of his Bill another very numerous class—namely, the rich. The inequality with which all such Bills must work had been so well exposed by many Members, but especially by the member for Bath, that he should not dwell more on that point, except in reference to what the hon. Baronet probably considered as the fairest part of his Bill. No doubt, when he shut up the news-room for the poor, and the club-room for the rich, he imagined he was acting most impartially; yet mark the difference: shut up the club-room for the rich man, and he could enjoy himself at home; but shut up the news-room for the poor man, and he had no such resource: he could not afford to entertain friends — to give dinners; you condemned him to a sullen hearth, which he probably enlivened by venting his ungrateful spleen at the hon. Baronet's Bill on his unfortunate wife and children. Take, again, what no doubt the hon. Baronet thought the least objectionable part of his Bill—namely, the prevention of selling and publishing newspapers on a Sunday. A newspaper was often the only channel through which the poor man obtained a knowledge of what was politically wrong and right. On how many points (take the Trades' Unions for one), it was necessary for a poor man to know the nice shades of distinction between what was legal and what was illegal—how necessary for his own liberty, perhaps his own life—how necessary for the preservation of the property of his neighbour! And yet here the hon. Baronet would take away from the poor man that only channel of information or morality itself, on the only day he had leisure to read it. On a Sunday, the hon. Baronet stopped all public conveyances—coaches were literally not to be found on the stand. Suppose a poor man received intelligence on a Saturday night, that his daughter in the country was ill—in want of pecuniary assistance—of medical aid—could he reach her? No! The coach was in the coach-house—the horses in the stables—if he stir abroad, he could be seized—whatever horse he might borrow would be impounded: and this in the name of religion. Well, but the coaches were to stop on a Sunday, or rather Saturday night; you put up at an inn; unless you sleep at that inn, you could get nothing to eat all day, for the Bill says, that no innkeepers or coffee-house-keepers shall give victuals to anybody, or a glass of beer, or a glass of wine, unless the appetite be lawfully begotten by having slept at the inn the night before; so that if your inn be bad—if your food be wretched—if the prices be extortionate—if your room admits all the rains and winds of Heaven—you can't stir elsewhere—there you are, and there you must be, at the mercy of your host—behind you is discomfort, but before you is starvation. Driven from land, would you take refuge on the sea? Alas! even there, the torpedo touch of the hon. Baronet's Bill has arrested your progress. The Bill says, that no barge, vessel, smack, boat, or other vessel shall leave its port, or commence its voyage on the Lord's Day. In many of the Northern ports, a vessel could only sail by some particular breeze; so that if there had been a dead calm for a fortnight, and up starts this capricious breeze on a Sunday, all eyes are intent—all hands ready. Stop! the heavy anchor of the hon. Member's Bill is fixed to the vessel—the breeze dies away—commerce suffers—trade is injured—business is torpid; the mighty wheels of the greatest commercial country in the world are locked; the property—the subsistence of thousands is endangered, because the hon. Baronet, in his great benevolence had brought in a Bill, that one class of society should not be engaged on Sunday for the supposed advantage of another. And now, what authority from Scripture or from the Church, had the hon. Baronet for that harlequinade with which he would convert the Christian's Sunday into the Judaic Sabbath? Not from the Scriptures, in which St. Paul plainly says to the Colossians, "Let no man judge you in meat, or drink, or of the new moon, or of the Sabbath-days, which are a shadow of things to come. The body is of Christ." Not in the Fathers, for Tertullian declares it unlawful to fast on a Sunday, and describes the Christians of his time as indulging themselves that day in mirth and festivity. And the reason why this day was thus cheerfully spent, and why it was ordained, another of the Fathers (Justin, who wrote 150 years after Christ) expressly declared, that, so far from having any connection with the Jewish Sabbath, the Christians met on a Sunday, because it was the first day in which God made the world; and also on this day, Christ rose from the dead. And the moment we thus discovered the origin of the Lord's Day, the moment we separated it from the Sabbath of the Jews, and perceived that it was dedicated to the joyous recollection of the creation of the world, and the resurrection of the dead, it was easy to see why it was kept, not as a fast, but a festival, and hallowed not by sadness, but by joy. So what said the early ecclesiastical decrees? In 357, one Council anathematized those who passed the Sunday in bodily mortification and fasting. In 364, the Council of Laodicea condemned the practice of abstaining from secular employments on Sunday, as Judaizing. In the Edict of Constantine, which first established the festival of the Sabbath by law, it was never held out as enjoined by Scripture, but as being merely of civil expediency; and all persons engaged in agriculture were invited to continue their affairs on that day. Clear proofs these, that the early Christians never confounded the first day of the week with that Judaic Sabbath which they deemed abrogated with the rest of the Jewish dispensation. If the hon. Baronet could not support his doctrine by the Scriptures or by the Fathers, could the hon. Baronet support it by the early doctrines of our own Church? On the contrary, the Act of the pious Edward 6th (1547) says, that if men from any scrupulosity or grudge of conscience, superstitiously abstain from working on the holidays, they will grievously displease God; so, in 1552, it was declared that any husbandman, labourer, &c. may work any kind of work at his free-will and pleasure. He thought these latter authorities went too far—he thought, in their anxiety not to confound the Christian Sunday with the Jewish Sabbath, they had encroached on the blessed principle of a day of rest. But yet he would rather rely on even their authority than on that on which the hon. Baronet relied. What was that authority? Why, 1200 years after the institution of Christianity, there was a certain Dr. Bound, who wrote in the year 1594—he proclaimed the Judaic Sabbath—the Puritans supported the notion — our own divines continued to oppose it; and it was soon made a cry of party as well as of religion. The hon. Baronet must pardon him, then, for taking the interpretation of the Sabbath rather from the Scriptures, the Fathers, the early Christians, and the early Reformers, than for placing implicit belief in the theology of Dr. Bound, and the unerring wisdom of the Habakkuks and Ezekiels—the Faint-nots and the Spare-nots — from whose rational and sober fountains of faith the hon. Baronet drew the principles on which he asked the legislators of England to act in the nineteenth century! But even supposing, that the hon. Baronet's doctrines were right, what proof had he, that the Sabbath was not well observed, or that the regard for that day had decreased? Far from any proof to that effect, what said his own Committee? First, that the Lord's day was better kept now than at any previous period; second, that its infringement among the lower class was from a want of a better example among the rich; for which the House could not legislate, and did not legislate, by the Bill under discussion. What said the policeman, the Committee had examined? Why, that "there were less excesses on a Sunday than any other day." All experience proved, then, that the country was progressing in moral and religious, as well as intellectual improvement. He respected the petitions before them; but he was sure, that there were few who signed them, who, if they knew all the clauses of the Bill, would not recoil from its frantic fanaticism, or would agree, at the recommendation of Pharisaical hypocrisy, to exchange the cheerful holiday of the Christian faith, for a worse than Judaic Sabbath.

Mr. *Potter:* When the hon. Baronet moved for leave to bring in a Bill for the better Observance of the Sabbath, it was evident to me, that he intended to renew his Bill of last Session; under that impression, I opposed its introduction, from a conviction that it was totally at variance with the feelings of the community. The result has shown, that I was correct, for the Bill which the hon. Baronet has brought in is, with a slight alteration, the same as his former one; and although that measure was rejected at the second reading by a majority of only six, almost every gentleman who supported the second reading said, that, in Committee, the Bill must undergo considerable alteration. The Bill now before the House is, to my mind, so objectionable, that I feel convinced, no alterations which can be made will render it acceptable to the House and the country. I object to the very preamble; there is, in my opinion, an irreverent use of the name of the Deity, and a presumptuous supposition of what is his will towards man. If this Bill becomes the law of the land (which I trust it never will), and its provisions are carried into full effect, the consequences will be, that the greatest inconvenience and suffering will follow; the comforts and enjoyments of the inhabitants of large towns in particular will be interfered with and abridged, the supply of food for this great city will be endangered; and, what is worse, it will have a tendency to make men hypocritical; the pharisaical observance of the Sabbath was emphatically reproved by the great Founder of the Christian Religion, when he declared, that "the Sabbath was made for man, and not man for the Sabbath." The penal enactments of this Bill affect chiefly the middling and labouring classes; the rich man, who has servants, carriages, horses, and pleasure boats, can use them if he pleases on the Sabbath; he can go to Richmond, Hampton Court, Windsor, Box-Hill, or any of the places near this great town; but the man who does not possess those luxuries, and wishes, on the only day he can leave his business, to visit, during the spring and summer months, the beautiful scenery of the places I have mentioned, is absolutely prevented from so doing, for he would not be able to hire a horse, carriage, or boat, or even to use a stage coach. The humbler citizen does not go so far from home on Sundays, but if he wishes to repair to Greenwich, Hampstead, or any of the villages near London, he needs a conveyance, and for sixpence he may be gratified; but, by the 9th, 10th, and 12th clauses of this Bill, he will be prevented, and must walk through crowded streets, and dusty roads, to obtain a little fresh air, and will thus be prevented from beholding the beauteous green face of the earth, the lofty and majestic trees, and the shining hills and valleys, the bare contemplation of which is enough to direct his thoughts to the gracious and bountiful Creator, and this, too, on the only day he can be absent from work. In large towns, and this great city in particular, numbers of young men are employed during the week-days in warehouses, shops, factories, and workshops, many of which are in the dense and ill-ventilated part of the town, and many of them are obliged to attend until late on Saturday evening; many females are, during the week, closely confined in sewing; domestic servants can only get out on the Sunday; but if this Bill receives the sanction of Parliament, how severely will persons so situated suffer! I know the hardships and privations young men endure, who, during the week, are closely confined; for, when a young man, I was for some years engaged in a shop, and afterwards in a warehouse, in the towns of Birmingham and Manchester; my companions and I, from Monday morning until Saturday night, seldom or never had opportunity, or liberty, to take a walk, and at this distance of time well do I remember the delight we felt at the return of Sunday, when we made little excursions on horseback, or in gigs, to the neighbouring villages, there rambling through Shenstone's walks, Hagley Park, in the green lanes, or by the side of some brook, and this, too, was very frequently compatible with the observance of the Sabbath; for we often attended a country church; but had this Bill been in force, how greatly would our innocent enjoyments have been curtailed! I have referred to a period of near forty years ago; thousands of young people need similar relaxation; and I will be no party to interfere with, or take away, their necessary recreation, which I feel convinced would be the case if this Bill passes. The affluent can, in the afternoon of Sunday, meet at the social table, and partake of excellent food; but the labourer, who frequently is absent from his family on the week-days, or leaves his home early, with his dinner in his pocket, surely ought to have a hot and comfortable dinner on the Sunday; but by this Bill the public bakehouse is to be closed; his wife has no convenience to cook; the husband is thus prevented sitting down with his family to a hot dinner; he becomes discontented, which often leads him into vicious and drinking company. Baking on the Sunday morning, for the benefit of the poor man, is prohibited, but, in the exception clause, bakers are allowed on Sunday afternoons "to set and superintend the sponge," as it is called, which requires considerable time and attention. First, the flour must be sifted, then setting the ferment, and afterwards mixing the flour and water, which is called setting the sponge; after which the dough must be made, which, altogether, occupies nearly the whole of Sunday afternoon; and why has this been permitted? Why, that the rich and luxurious may have new bread on Monday morning; so that the poor man must have a cold, uncomfortable dinner, that the Sabbath may be kept; but it may be broken for the purpose of pandering to the appetites of the lovers of new bread. This is another instance of the operation of the hon. Baronet's Bill, which, as I before stated, affects principally the middle and working classes. I feel convinced, that the public bakehouse cannot be closed on Sunday morning without seriously affecting the comforts of great numbers of the working class. I have made many inquiries, not only in London, but at Manchester, during the recess. In those parts of large towns inhabited by the humbler classes, few bakers cook less than fifty or sixty dinners; many a much greater number. I know bakers who, in spring and autumn, cook on Sundays 100 dishes, each of which furnishes an excellent dinner for a family; the charge in London is generally 2*d.*—in the country 1*d.* or 1½*d.* The whole process is over by one o'clock, and the journeymen, unless detained in "setting and superintending the sponge," are at liberty during the remainder of the day. I have said, that the provisions of the Bill now before the House chiefly affect the middle and working classes of society; but there is another part of the community who, if this Bill passes, will suffer—I mean a number, and a considerable number too, of the Members of this House. Many of us come up to attend to our duties, and do not bring any horses or carriages. Sunday is in general the only day we have time to get out of London to enjoy a little change and fresh air; those who are so situated wish to hire horses and carriages; but by this Bill they will be prevented. A very short reference to the duties we are called upon to perform, and the time required, must, I think, convince the most rigid moralist that we are entitled to some little relaxation at the end of the week. I will just refer to last week (and I have known heavier weeks). The House sat fifty-four hours, being nearly an average of eleven hours per day. It was three o'clock before the House adjourned on Saturday morning. There were forty Committees on private Bills and thirty-five on public Bills, which occupied the time and attention of nearly all the Members. Saturday is in general a kind of clearing up day, and he must be hard-hearted who refuses to allow us a little recreation on Sunday. I am a very humble Member of this House, and take but little part in the public discussions; on Committees I endeavour to attend, and I can safely say, that if precluded making excursions on Sundays, I should be entirely unfit for business; and how much more is recreation required for those hon. Members who take a prominent part in the business of the House! The 14th Clause authorises Magistrates, Constables, and other persons, "to seize, with or without warrant, cattle or other animals, travelling on the Lord's Day, and to impound or otherwise detain them, until the Wednesday next ensuing," unless penalties, which are heavy, are sooner paid. I wonder what the noble Lord would say, if some of his fine fat oxen that were coming up for the London market were seized and impounded for four days? What a condition the poor animals would be in when they came out of the hands of the constable! I call upon the noble Lord and the landlords now present, particularly the owners of grazing land, to protect their tenants from the cruelty and injustice of this Bill. Is it possible, that it should be proposed to torment a poor dumb animal for the alleged purpose of promoting the service of God? The 19th Clause applies to the recovery and application of penalties. It is here provided, that the case shall be heard, whether the party accused be present or absent; and if a conviction take place, and the penalty or penalties with costs are not paid, distress and sale of goods and chattels shall take place; and the offender is to be committed to prison, until it is ascertained that his goods and chattels are sufficient to pay the penalty and costs; if not, the offender shall be committed to the common gaol or House of Correction, so that a poor family may and will, if this Bill pass, be driven houseless into the streets, because the father may have obeyed the orders of his master, or been overtaken in liquor. Why has the hon. Baronet confined his legislation to the middling and working part of the community? I can guess at least—because they are the most defenceless. Last year the hon. Baronet put a notice on the votes for an Address to his Majesty to close Hyde Park on Sunday, why did he give that up? Because if he had persevered, we should have had, not the "Revolt of the Harem," not the "Revolt of the Workhouse," but the revolt of all the beauty and fashion of London; and where is the soldier, where is the police officer who could withstand the battery which would have been brought against the gates of the park. Why confine himself to Hyde Park? Why not close St. James's and the Green Park, for the keepers must be in attendance, and consequently break the Sabbath? I fear I am wearying the House, but I have little more to say. I again repeat my conviction, that the clauses of the Bill appear to me framed to catch and punish the middle and labouring classes, but allow the rich and powerful to escape. Instead of protecting, as the Bill purports to do, the part of the community least able to protect themselves, it imposes on them the most galling and cruel restrictions. The glaring injustice of the measure would render the law a mere dead letter on the Statute-book. No police force, however large, could carry it into effect, because it is repulsive to the feelings of humanity; and I will add, according to my firm conviction, contrary to the feelings of a vast majority of the people.

Mr. *Poulter* said, that, in rising to oppose this Bill, he did it in the most anxious desire to support any measure which might ever be presented to this House, the effect of which should be to promote the real interests of religion, without violating the just liberties of society, and especially of the poorer and more humble classes of it. He opposed it, also, in a sincere and most confident conviction, that, if this Bill were to be lost, the whole of this most important and most interesting subject would be referred to a Select Committee, to prepare a rational and truly religious measure, which might give a further protection to any classes of his Majesty's subjects, in respect of the observance of the Lord's-day, and which might not be in total opposition and hostility to the rights of the people. He assured his hon. friends opposite, that he was actuated by none but the most conscientious feeling, when he declared that he regarded this Bill as utterly incurable. It seemed to him to be a hopeless task to go into a Committee on such a collection of absurd and extravagant clauses. The second clause annihilated the valuable and excellent exception in the Statute 29th Charles 2nd, c. 7., which enabled the poor to have their Sunday dinners dressed from home. This clause, therefore, would either put an end to the only meal the poorer classes could ever enjoy in the bosom of their families, or it would impose upon them the necessity of much more labour to be performed at their own houses. The fifth clause imposed an additional penalty for drunkenness on the Sunday. Could there be conceived a more preposterous provision than this? The only rational mode of preventing intemperance on the Sunday was to prevent it on all the days of the week, and by the means of education and improved moral habits. Really, if the subject were not too serious, this clause would excite ridicule. It was known to be a familiar habit with persons who were most religious, to go for a short time to a news-room to read the papers on a Sunday. This might take place after the services of the church were concluded. It might be done by a person who, in addition to attendance on public worship, might have had prayers read in his own house both in the morning and evening, and who might have spent a considerable portion of the rest of the day in religious study; and yet this innocent act was subject to a penalty. It was a well-known practice in the southern counties of England, after evening church, to play at cricket; and this amusement was not only unattended by any immorality or excess, but it prevented the poor people having recourse to the public-house; and yet this recreation would be regarded by some person in authority as a pastime of public indecorum, within the seventh clause, and thus become exposed to punishment. Was this the way to serve the cause of true religion? He thought it would have a very different result. The hon. Baronet had been accused of pressing hard upon the poor, and of sparing the rich. He thought he had been equally severe to both. If he had in some instances pressed heavily upon the poor, he had made most ample atonement in his 10th clause; for by that clause a gentleman of fortune, who travelled with four horses, would be liable, at the third and every subsequent stage of his journey on the Sunday, to the moderate penalty of 40*l.* Every hon. Member of that House must recollect, that, during the past winter, many hundred sail of vessels were locked up at Portsmouth, by contrary winds, for nearly two months. He would suppose a favourable wind to have risen on a Saturday night. Would it be endured, that, after all the losses occasioned to the owners by this delay, every one of these vessels should be subject to a penalty of 100*l.* for availing themselves of the change of wind? These were the principal of these monstrous provisions; and he could never assent to the Bill which contained them. As the hon. Baronet had unquestionably founded this measure upon the basis of the fourth commandment, it became necessary to revert to the very prevalent misconception which confounded the Jewish Sabbath with the Christian festival of the Lord's Day. He begged to be understood as speaking of that, and every other commandment of the decalogue, with the most profound and religious veneration. Either the positive injunction to the Jews was in force at this moment, or it was not. If it was, why did the hon. Baronet disregard it? Why did he reject altogether the observance of the seventh day, in spite of the divine command?—Why were they guilty of so unwarrantable a presumption?—Why did the hon. Baronet permit any fire to be lighted in his house on that day?—Why did he expose himself to the punishment of death, inflicted on the man who presumed to pick up sticks on that day. If it were not in force, why was it appealed to as a law for us? He regarded the decalogue as introduced into the liturgy, not because it was a law to us, but on account of the high veneration so justly due to the admirable and beautiful moral precepts it inculcated; and which were, indeed, of the most universal obligation upon all mankind. Nothing could more decisively prove the distinction between the Jewish Sabbath and the Lord's Day than this,—that the first Christians who kept the Lord's Day, from the time of the Resurrection, being most of them Jews, kept also the Mosaic

Sabbath, and adhered to the whole of the Levitical law, while to the Gentiles they said, "Let no man judge you in meat or in drink, or in respect of a holyday, or of the new moon, or of the Sabbath Day." The Divine Founder of Christianity himself superseded the strict law of the Sabbath by his own authority, in commanding the cripple to take up his bed and walk—an act of work, and a clear violation of the old law and not necessary to the mere act of healing and charity,—and in defending the conduct of his disciples in plucking ears of corn on the forbidden day. Could there, then, be any reasonable doubt, that the Lord's Day was a festival founded entirely on the practice of the earliest Christian Church in commemoration and proof of that event, which was the corner-stone of our religion? It was, indeed, so far connected with the Jewish Sabbath, inasmuch as it embraced two principles in common with it;—the first allotting a day of rest to industry; the second, the setting apart a day for the performance of divine worship, without which no religion could be ever maintained. The good feelings of mankind, and the honest conscience of every individual, assisted by any law that was rational, and calculated to meet the wishes and wants of society, must determine the precise degree of relaxation, or even amusement, that was consistent with the performance of religious duties and the worship of God. Any such law he should be most anxious to support; any other, he should feel it his duty to oppose.

Mr. *Hall* said, if he had found any of the clauses practicable, he would have given his consent to the second reading of the Bill; but he found them very much the reverse: it appeared to him that the effect of the Bill, if carried, would be to injure to a very great extent the internal trade, as well as injure the health of the country. As regarded the moral effect of the Bill, he quite agreed with those who thought that if the working classes of the people were deprived of the means of recruiting themselves by taking their pleasure abroad, they would of necessity be driven to pass their time in the public-houses. Then, with respect to the commercial operation of the measure, there was one point in particular to which he wished to call the attention of the House. In many manufactories, for example in iron-foundries, unless the furnaces were constantly kept up, the progress of the works was entirely stopped. The consequence of neglecting such works for twenty-four hours would, in many cases, be a loss amounting to 500*l*. or 1,000*l*. But could they foresee all the consequences of such a system? Might it not lead even to our becoming, as regarded some articles, an importing instead of an exporting country. The Bill professed not to interfere with any works of piety, charity, or necessity. This, in his opinion, made it requisite that another Bill should be brought in, to specify every trade and manufacture that came under the operation of the Bill now before the House; and also to describe what works were to be excluded from the operation of the Bill. If this question were not decided by Parliament, by whom was it to be decided? Was it to be left to the Magistrates? If so, he would retire from the commission of the peace; for in his opinion, Magistrates had enough to occupy their attention already; and the performance of any such duty could not fail to bring down on them considerable odium.

Mr. *Roebuck* thought it his duty at once to declare, that he was against any legislation on the matter at all. That might be considered a bold declaration, and would probably subject him to the severe censure of a portion of the House. He, however, did not hesitate to make the avowal; and he did so, because he conscientiously believed, that the Bill was nothing more nor less than a branch of persecution. Entertaining that feeling, he should be unworthy of a seat in the House if he did not at once announce his inveterate hostility to any measure on the subject. He would suppose, that the House, and not a party of religious devotees, were to draw the line. When would they say, that they had gone far enough? How would they determine that religion went so far and no further? They must conclude, that the line would be drawn by the dominant party. Suppose this House took on itself to say every man should, every day, attend five sacraments. Why, if they passed the Bill, should they not say, that every individual should attend daily some house of prayer; and why not also say, that they should then take the sacrament of the Lord's Supper? Their consciences, truth, good feeling, and justice, told them that between God and man, man was not fit to legislate. How was an individual justified in saying to his fellow-man, "Your conscience is unworthy; mine is the only fitting one. I am a pattern and a shining light; look on me. As a spectacle of goodness look on me, and follow my example." Would this House say so? If not, it could not insist on any one of the religious observances required by the Bill. Talk of discretion; why this was a most preposterous, tyrannical, and pharisaical measure, involving a Judaical observance of the Sabbath, which he contended was not Christian. There were Prelates in the Church of England, as high as any, who had written on the subject, and they laid it down that such observances were not Christian. The Archbishop of Dublin, who was a most distinguished authority, distinctly stated, in a pamphlet he had written on the subject, that they were not Christian. The hon. Baronet might be ambitious of becoming the founder of a new system of Christianity, but he would recommend the hon. Baronet to leave every man to his own system, and the hon. Baronet would be at full liberty to confine himself to his. Suppose he (Mr. Roebuck) chose to say that his children should not be taught to observe the Sabbath as a Jewish rite, would the hon. Baronet be justified in taking his children from him, and say, that he was unworthy of teaching them? And if he would not prevent children being so taught, would he prevent adults from acting on the principles of their early instruction? It was impossible to make a rule for such matters, and at the same time to avoid running counter to the kindly feelings of our nature. What did hon. Gentlemen endeavour to effect? Anything like that feeling in the heart—that true religion of the spirit—that bowing down of the man before his God in devout adoration—which alone was desirable? Did the hon. Baronet fancy he could make man look on the Lord of life as a beneficent, mild, and good being, one loving goodness of heart and mercy of spirit, by an Act of Parliament? Would they not rather picture him as a gloomy and terrible God—as one delighting in the mortification of the spirit? The hon. Baronet cried "No," "No" on his tongue—"Yes" in his Bill—"Yes" in his heart. What was the meaning of this? Why was there not, in the first line after the preamble of the Bill a provision for the putting down of all the pleasures and pastimes of the rich? Why did not these apostles of the present day commence with the pleasures of the rich? For this reason: with the pleasures of the rich they sympathised, but with the pleasures of the poor they did not sympathise at all. They could not know what the poor man felt. How could they, who daily passed their lives in quiet and content, know the feeling of the poor man who worked daily and hourly to fight off the fiend of want? How could they know the emotions of that man on the seventh day, the day of recreation and rest? He would ask, what would such a man be likely to say when the seventh day came, and he found he was driven to submit to the pharisaical observances of that Bill, which he could not in his conscience approve—of that Bill which would not allow him to go out at all, unless he could walk. Suppose he had a spare shilling, and were willing to expend it in putting himself in a stage to reach the suburbs of London. The hon. Baronet meeting him, might be supposed to say, "Don't you know that there is a clause in the Bill which forbids your taking this recreation." The poor man would reply, "I am weak, I am toil-worn, I can't walk, and I want free air, I want to fill my lungs; they have not been filled the whole week, and I am faint in consequence." Would the hon. Baronet thereupon reiterate the clause of his Bill, and tell the man that he could not go out in the stage-coach? Suppose, on the other hand, that the hon. Baronet had encountered a noble Lord who had got the gout. The hon. Baronet would address him, saying, "My Lord, you can't go out in the stage-coach." His Lordship would rejoin, "I do not wish to do so; I have my carriage at the door, and I mean to go out in that." The hon. Baronet would then make the noble Lord a bow, and tell him that in his carriage he was doubtless at liberty to take his pleasure. Now, did a Bill that would operate thus, exhibit merciful consideration for the poor, or an equal operation on all classes? The preamble of the Bill stated, that the "holy keeping of the Lord's Day is a principal part of the true service of God." Did the hon. Baronet mean to say, that the ceremony was the principal part? If so, what became of his faith, hope, and charity? Why were not these thrown into the scale; or, were they excluded because they were inconsistent with the Jewish observances which the Bill provided? He did not hesitate to say, that the whole of religion, by such a

Bill as that, would be reduced to mere ceremony; that, in short, there would not be a kindly feeling, or a religious feeling remaining. No doubt the hon. Baronet was a sincere friend of humanity; but did he never consider the condition and temper—it being for that which he was in fact legislating—of the human mind? If he allowed not the man who worked six days out of the week, to recreate out of doors on the Sunday, he would drive him to the public-house on that day, and make him a drunkard. He could see that the hon. Baronet knew nothing of human nature; that he knew nothing of the people amongst whom he lived. It was by observances of the Sabbath—by the putting on of that outward species of religion which he had described, that the people had been driven to those beer-shops to which the hon. Baronet was so particularly opposed. They were left open to the people, because there were no other means of recreation left. Complaints of the beer-shops were constantly made; but what had filled them? Nothing so much as the people being prevented from playing at cricket and indulging in other such harmless exercises. He knew well enough what would be the probable consequence to him of prohibiting games on the Sunday; but he would nevertheless declare, that he was a sincere believer in the statement made by the hon. member for Lincoln. These recreations, so far from being irreligious, fitted men the more for the performance of their moral and religious duties—making them, in fact, better men and better Christians than they would otherwise have been. He was determined to get through his case—to work this Bill thus brought into the House. He was most glad, that the hon. member for Lincoln had given them a chance of throwing it out at once. He gave the hon. Baronet credit for meaning well, however mistaken he must think the hon. Baronet. Let them not forget, however, that it had been said, "Hell was paved with good intentions." Could the hon. Baronet be aware, that one of the effects of his Bill would be, that in this commercial country, all communications would be stopped for one day in each week. What had been said on this subject by a Committee appointed in North America? And be it not forgotten, that the North Americans were the most religious people on the earth. Let them take the case of a mail travelling on the Sunday, and that there was a very large territory, in which were millions of persons connected by commercial intercourse. If they stopped this vehicle one day in the week, they separated one-seventh of the whole community one from the other. The North Americans believed that to be a serious evil. He would suppose another case; that of an individual starting on Friday night, and reaching Edinburgh on the Sunday. The Bill would stop him there; he could proceed no farther. Nor would he find an inn that would be at liberty to receive him; he must sleep on the top of the coach. Or if he arrived the day before, while he was detained, would not the horses have to be fed and cleaned, and attended to in other ways? In short, would labour be stopped? What was the advantage to be gained, by making a set of idlers, from one end of the kingdom to the other? That was not all. There would be an increase, in the first place, of the expenses of travelling; and secondly, he wished to know how the minds of the people would become more fitted for the observance of the Lord' Day by the stopping of the stages? how could that improve the religion or morality of the people? Not content with the stage-coaches, the Bill would affect all species of cattle—all species of goods—all species of vessels. The House ought not to lose sight of the fact, that large quantities of animal food were now conveyed on the Sunday to the metropolis; the Bill, then, would necessarily increase the price of provisions to the poor, yet, no doubt, that never entered into the contemplation of the hon. Baronet. Such, at all events, was the conclusion he must come to, knowing, as he did, the humane character which the hon. Baronet deservedly bore. The hon. Baronet would obtain the very *beau ideal* of his Jewish Sunday, if he could insure that no class laboured on that day; but even the hon. Baronet felt, that some persons must be employed. Where, then, were they to draw the line? Should they look for it in the indefinite clauses of the Bill? It was provided, that the Bill was not to apply to works of piety, charity, or necessity. To begin: how were they to draw the line of piety? How was he to draw his line of a work of necessity? Or how was the hon. Baronet himself to draw his line of a work of charity? He might have a most serious occasion to travel; and the matter might be one of such a nature that he could not disclose the nature of it without inflicting on himself great pain. If he met the hon. Baronet he would compel him to give up his secret, and he must suffer the penalty of the Bill for travelling. Was not this an unfair, most obnoxious interference? Under the proposed measure men would become liable to penalties who had infringed no moral obligation. To his mind the greatest objection to the Bill was, that it set up the standard of self. By the opinion of one individual who arrogated to himself that he was right, were other individuals to be judged. There appeared throughout this Bill a spirit of dictation which made him its inveterate opponent. At every stage of its progess, he would endeavour to defeat it, and would divide the House on every clause. If it went into a Committee, he would meet it with a proposal to put down every gentleman's private carriage. He would include in his Motion another proposal, to bring under the provisions of the Bill every servant going out of doors on business for his master. If the House determined to read the Bill a second time, he would try the courage of the House with this Amendment; and the House would not be acting consistently with its then declared principles, if his Amendment were rejected. He repeated, that he would try the strength and courage of the House. He thought he saw some shrinking on the part of those around him, though he knew that, in feeling, they went entirely along with him.

Earl *Grosvenor* concurred with those hon. Gentlemen who contended, that in introducing any such measure they ought rather to begin with the rich than with the poor. There were many other observations, however, made by the hon. and learned member for Bath (Mr. Roebuck) from which he entirely dissented. He approved of the suggestion of the hon. and learned Member to prevent travelling with carriages on a Sunday. When he looked to the Bill now before the House, it would be most disingenuous on his part if he hesitated to declare that he could not vote for the second reading. He regretted this, for there were portions of the Bill of which he entirely approved. He was quite ready to support any Bill on the subject that he considered would afford a reasonable prospect of being beneficial. He had presented several petitions from his constituents this morning in favour of the Observance of the Sabbath; but he could not for a moment believe, that those petitions were intended to be in favour of the measure, the merits of which the House was now debating. He considered the measure of the hon. Baronet to have occasioned a degree of attention to be paid to the subject throughout the country that it had not obtained before. The discussions had, no doubt, done much good, and he hoped that more serious and substantial advantages would yet be derived from them.

Mr. *Halcombe* said, that the hon. and learned member for Bath had treated this measure as a measure of persecution, and said, he was determined to work the Bill. He also asked, "How far will you go? Will you compel persons to attend five sacraments in a day?" He (Mr. Halcomb) answered, no. Neither in this measure, nor in any other, did the supporters of the Bill, nor would they, attempt to enforce the exercise of religious duties. He challenged the hon. and learned Gentleman to point out any portion of this Bill that did enforce religious observances in the sense in which the hon. and learned Gentleman spoke. The whole principle of the Bill was to prevent, not to compel —to prevent acts of irreverence and indecorum on the Lord's Day; and so far he hoped it would receive the sanction of that House. The hon. and learned Gentleman also adverted, in that tone of sarcasm which was much at his command, to the language of the preamble of the Bill, which declared, that the object of the measure was, "The holy keeping of the Lord's Day as a principal part of the true service of God." The hon. and learned Gentleman asked, "What, then, is a ceremony a principal part of the true service of the Deity?" He would join issue with the hon. and learned Gentleman. He contended, that the keeping and observing decently of the Lord's Day was more than a mere ceremony. If it was not, indeed, then would the sarcasm of the hon. and learned Gentleman be well applied. This Bill would not have the effect of making people answerable to Parliament for the non-performance of their religious duties; in this manner they would continue, as heretofore, liable only to that ecclesiastical body to whom they ought to be amenable. The line of argument adopted by the hon. member for Shaftesbury (Mr. Poulter) had, he confessed, surprised him. Was it not a component part of the Christian's duty to cease from labour on the Sabbath? The wisest of men had regarded this as an institution, than which it was impossible to devise one more conducive to the happiness of human beings. The Sabbath under the Mosaic Law had been adverted to. They all knew of the case of the individual piling up sticks on the Sabbath Day, which the celebrated writer treated not as a precedent or an example to be followed in legislation, but more as the immediate act of Moses, to impress with a mark of the severest censure a sense of the impropriety of executing on the Sabbath Day so unnecessary a work. The laws for the observance of the Sabbath were to be found in the ancient Statutes. In the preamble of a Bill brought in, in 1623, 1st of Charles 1 cap. 1st, the preservation of the Sabbath from desecration by bull-baiting and bear-bating was made the ground-work. He quoted this Act to rescue the hon. Baronet from the sarcasm and obloquy of any hon. Members who might choose to exercise their wit upon the subject. Those who taunted the hon. Baronet must forgive him for mistrusting their liberality, nor did he think such taunts would suggest themselves to any well-regulated minds. He did not contend, that it was the duty of the State to enforce any particular ceremony on the Sabbath-day; on the contrary, he held such to be a violation of private conscience; but he certainly did think the State bound to protect that day from any undue violation which profaned its sacredness, or outraged the feelings of conscientious persons by its public desecration. This was the general rule he would lay down, but always admitting exceptions in works of necessity or charity. The principle was recognized by the Act commonly called the Lord's Day Act, passed in the reign of Charles 2nd, 1676, compelling abstinence from ordinary callings, except in cases of charity or necessity. By this Act all buying and selling were prohibited; amongst the exceptions was the purchase of a necessary supply of food to a certain extent. He did not advocate that portion of the hon. Baronet's Bill which extended to travelling and locomotion, as it would afford room for the objection that it was directed against the enjoyments of the poor, whilst it administered to the pleasures of the rich; and to except only necessary travelling would make it of too inquisitorial a character. He would not have the people of this great metropolis shut out from necessary recreation by boats or vehicles to carry them to places where they could with pure air refresh themselves, after being several days subject to the heats of pent-up streets and sweltering alleys. He had lived too much in the town not to know the advantages of such necessary recreation, and to feel the sublimity of the line—

> "God made the country, and Man the town."

The poor man's carriage, the omnibus, was as necessary to him as the sulky or the chariot was to the rich man. Although the Lord's Day Act did not prohibit travelling, it afforded no redress to travellers who were robbed whilst journeying on the Sabbath. The law as it stood was sufficient for the protection of the Sabbath Day, if the penalties were heavy enough to enforce the observance, but they were not. If it were found necessary to put the laws into effective operation, it could be done by increasing the penalties. It certainly was the duty of the House to protect from a compulsory violation of the Sabbath persons in the employment of others who were less observant of it, and the petitions which had been presented from the bakers and newsmen ought to be attended to. They should permit this Bill to go to a second reading, and refer the details either to a Committee up-stairs, or a Committee of the whole House, where it could be matured and rendered practicable.

Lord *Morpeth* would not waste the time of the House in subtle argument or useless declamation; but in his opinion the proposed measure trenched too much on the proper domain of conscience. He agreed with the hon. Gentleman who last addressed them on the impropriety of interfering with the out-of-door amusements of the people which were not inconsistent with decorum. He would not legislate against the game of cricket; "He'd" stop no chariot, and board no barge." If they interfered with public conveniences, they would necessarily render the operation of the Bill partial and unjust, as well as inflict a serious moral and physical injury on large masses of the population. He differed from the hon. and learned member for Bath, who deprecated all interference, so far as to be of opinion, that it was proper in the Legislature to interpose in order to prevent any interruption or violation of the Sabbath day, or masters from compelling the labour of the lower orders, despite of their religious scruples or desire of rest from labour. Until some better plan than the hon. Baronet's was proposed (and he did not think there would be much difficulty in proposing a better) he would consent to a Committee; but at the same time this consent should not be considered on his part as an intention entirely to adopt, or indeed to adopt in any great degree, the provisions of the Bill. His object was, as far as it could be done without injury, to free the poorer classes from compulsory labour on the Sabbath.

Mr. *Wilks* was for sending the Bill to a Committee, for the purpose of framing a measure which might afford protection on the Sabbath to the poorer classes, but which would not at the same time abridge their rational pleasures. Enjoyment they should be permitted to partake, without violating the one day set apart for the observance of religion. He should support the second reading, notwithstanding all the positiveness of assertion on theological points (unfit for discussion in that House), in which some hon. Members had indulged. They had shown that in these as in other matters a little learning was a dangerous thing. It was strange! that they should have forgotten that, from the Creation a weekly day of rest and grateful adoration was enjoyed—that in patriarchal times, when the hoary sage was the chieftain and the priest, such a day witnessed the abstinence from journeying—the social sacrifice and domestic rest—and was enjoined in the Decalogue for permanent observance; it formed not a mere part of the Mosaical and ritual economy, but obtained the eternal sanction, and its violation ranked with the most injurious crimes. Ill had they read the sacred Canon, who had not there found frequent exhortations to public worship, and those devout associations which the so setting apart of one day in the week could alone effect; as well as the most interesting examples of the benefits which such dedication of their time supplied. The Lord's Day was, in the earliest ages, scrupulously, but cheerfully observed. That observance was amongst the distinctive lineaments of the Christian character. From the letter of Pliny to Trajan, at the close of the first century, the fact was well known. That letter stated that on the first day of the week, before the rising of the sun, the primitive believers assembled to sing in honour of their Saviour; and that the very slaves, at the hazard of their lives, abstained on that day from labour, and dedicated the hours to devotion and pious intercourse. He hoped to hear no man attempt to misrepresent and pervert, as judaical and pharisaic, that reverence for the Christian holiday, which the most honoured and eminent in every age had gloried to display! But the Bill had been unkindly held up to abhorrence as an aristocratical device, intended to act oppressively against the poor, but to leave the rich untouched. The reverse was true. By whom had it been sought? By whom was it desired? Let it be recollected that, on no question except on anti-slavery, since the Reform of Parliament, had petitions so numerous been presented to this House from the poor, the middling, the industrious, and the reflecting classes of society, as on this subject, and in favour of this Bill, now treated here with contempt and scorn, as founded in pharisaical pride. Those petitions had been signed by Churchmen and Dissenters—by persons varying in doctrinal opinions and in modes of worship—but all complaining of the defective state of the law, and imploring enactments by which the open violations of the Lord's Day might be restrained, and all persons might be set free from occupation—to consecrate or appropriate that day as inclination should inspire. The hon. Baronet merited praise for the motives by which he had been influenced, though he wished he had regarded more the suggestions of those whose practical knowledge of this country, and of the situation of the labouring classes, might have enabled him to avert from the Bill some of the objections by which it was now likely to be overwhelmed. Still, this was the Bill, for which very many thousands had specifically petitioned, and which, having been for two Sessions before the House, must be generally and accurately known. The House might at least read it a second time, and in a Committee, endeavour to purify it from the dross, and shew a determination to protect the lower classes, enabling them to improve in intellectual, moral, and religious happiness.

Mr. *Gisborne* said, that he should have liked to have spoken immediately after the hon. member for Dover, because he would thereby have been saved much in regard to what he had to say upon this measure. The hon. member for Staffordshire said, that this Bill did not go to interfere with the amusements of the poor or working classes;—but how did the Bill begin? Why, by shutting up the noble river Thames on the Sabbath—by prohibiting every boat, barge, or steam-boat from plying—and preventing every one from taking advantage of that beautiful scenery which the river presented. This was the first provision to be enforced, and one, the effect of which must strike every one who would take the trouble to look at the clause which related to the hiring of vessels, &c. The bill of last year prohibited persons from beginning a journey on Sunday; but the present Bill went, not only to prevent persons from starting on the Sunday,—it did more; it actually stopped those conveyances which might be in motion on the Sabbath. Now, he knew that there was a fast day-coach which ran from Manchester to London, called the Day Coach. This coach reached town generally about half-past eleven at night; and suppose the coach to be delayed by a fall of snow, or by the bad state of the roads, it would be stopped very likely somewhere about Finchley, if the journey thus impeded occurred on a Saturday night. For his own part, he should oppose the Bill, because he thought its practical working would be highly injurious. It enabled any Justice of the Peace, &c., to seize cattle travelling on a Sabbath. The justice also had the power to detain the cattle till the Wednesday following, unless the party should pay a fine of *5l.* If the amount were not paid on Wednesday, the overseer was himself punishable, or, in default of the overseer, any other officer was subject to the penalty of *2l.* And what remedy had the party injured? Why, the information was to be conveyed from an informer (no matter who he might be) to the parish officer. The parish officer had only to say, "Oh, it was A or B gave me the information, but I don't know where he is. When he saw such a Bill as this brought forward, he really could not but think it an incurable one. Then it was proposed to stop parties from travelling on the Sunday, unless upon some work of piety, &c. Now, suppose the case of any hon. Gentleman driving into Regent-street on a Sunday, and requiring horses. He must go to Mr. Newman's, and he would be immediately accosted by him or his ostler in this way. "Before you have your horses, are you travelling upon a work of piety or not?" Then let any hon. Gentleman say how many clauses he was prepared to support? Had the hon. Gentleman thrown over the locomotive clauses? The hon. Gentleman had shown a great regard to the Act 2nd George 3rd, and had carefully preserved it probably because it was a kind of twin brother to his own. The hon. Baronet's Bill prohibited persons frequenting any debating society, or public lecture, or address, on any subject—of course including religious subjects. Now, the Act the hon. Baronet wished to preserve, after reciting, that debates had been held on the evening of the Lord's Day, concerning divers texts of Scripture, by unlearned persons incompetent to explain them, enacted that any house, or room, used for public debating on any subject on any part of Sunday, to which persons shall be admitted by payment of money, shall be deemed a disorderly house, and the keeper of it be liable to forfeit *200l.* for every day it shall be open, to such person as shall sue for it, besides being punishable as the keeper of a disorderly house. All that the hon. Baronet was solicitous to preserve; and the other provisions, by which the chairman of any such meeting shall forfeit *100l.*, and any door-keepers or servants shall forfeit *50l.*, must, no doubt, be equally pleasing to him. But not only was he anxious to preserve this Act; he took it as a model for his own legislation. For, in a subsequent clause of his Bill, any person advertising, or causing to be advertised, any such meeting, as well as the printer and publisher, shall respectively forfeit *50l.* for every such offence to any person who will sue for the same. These were only a few of the incongruities of the measure? He was quite sure, however, that the majority, of the House were against every clause of the Bill, even if they allowed it to go to a second reading. The Bill was really incurable. And he should give his vote against it.

Colonel *Evans* said, as it appeared to him, the great question was, whether the Bill then under consideration was curable or incurable. He thought the measure was one which was curable, and he would suggest how it might be cured. It had been charged against the Bill, that no Gentleman could be found to support any one of its clauses, but he would support one clause contained in the measure, namely, the exemption clause, as it was termed. That clause related to the exemption of hotel keepers, &c. This reminded him of an amnesty which was granted by a certain despotic Monarch. This absurd state document after having recited the terms of the amnesty, provided that every person who had been hostile to the reigning power previous to the promulgation of this Act, should be exempted from the operation of the amnesty. Acting on this principle, he would support this exemption clause of the Bill, and exempt from the operation of the Bill all other persons included in the previous clauses. He conceived, that this Bill was a confiscatory measure, and that a vast portion of property would be destroyed if it were allowed to be carried. He hoped in such a case, however, that the fishmongers and fruiterers would be exempted from the operation of the Bill. Many of his constituents were engaged in these trades; and he understood that, with regard to fruit especially, no less than one-fourth of that which was consumed in the metropolis was sold regularly between Saturday and Monday. He hoped, indeed, that this Bill would be thrown out, and some other measure introduced of a different character, because he would submit, that the law was already extremely severe in many respects.

Mr. *Mark Phillips* said, that to his knowledge, this Bill, if carried into a law, would be productive of great injury to the manufacturing districts, and especially to the iron trade. It would occasion a loss of wages to the men to the extent, according to the opinions of the best-informed persons on the subject, of not less than twenty-five per cent. The effect produced by it of keeping commodities from the market was very serious. Even now the consequence of the detention of fish would frequently occasion a variation in the fish-market of from fifty to seventy-five per cent, in the course of three or four hours, and, of course, a variation to that extent of the fishmongers' profits. There was not a Member in the House who could not fix upon some one clause of this Bill as productive of great injury to the trade, or to the poorer inhabitants, of the borough or county with which he was connected. Great quantities of cattle continually came into the ports on the western coast of England, from Ireland, and if any of them should happen to arrive on Sunday, they must hereafter be kept on board, greatly to the sufferings of the animals. In fact to these beasts this would be an act of cruelty worthy to be punished under Mr. Martin's Act. He should protest strongly against the passing of the measure, more especially as it appeared to him to be a most unjust and impolitic interference with the regular supply of the necessaries of life.

Mr. *Williams Wynn* thought, that the House could not advantageously discuss this question theologically, as some of the greatest divines and most eminent men of all ages had entertained different opinions upon the observance of the Christian Sabbath. Upon that question, in our own times, Paley and Horsley had taken different sides; and it could not in his opinion, be settled by that House. He would take the question simply as it stood at present. What new provisions then did the Bill enact? What were the great features of the Bill? The prohibition of travelling on Sunday, the prohibition of the sale of food, or refreshment, on Sunday,—were the two chief provisions of the Bill. Had either of these provisions been defended by any one Member who had expressed his determination of supporting the second reading? He had not heard one Gentleman advance a single argument in defence of these enactments; but they had concurred in reprobating them. Certain exceptions were made with respect to travelling; as, for instance, in the case of charity, piety, and necessity. With one or all of these objects in view, a man would be suffered to travel on Sunday. But how was the object of the traveller to be ascertained? For that difficulty the Bill contained no provision; and if a traveller appeared on the road on Sunday, he would have to argue and explain to each inn-keeper and turnpike-keeper whether the purpose of his journey was one of piety, charity, or necessity. With respect to trading, he had heard no argument advanced in defence of the total prohibition of the sale of particular articles of a perishable nature on Sunday. In all other Acts of Parliament relating to the sale of articles on Sunday, fish had been specially excepted. No exception of that kind was made in the present Bill, and therefore, as had been observed by the hon. Gentleman who had just sat down, the supply of that article must be deteriorated, to the inconvenience of the public, and to the injury of the industrious and hardworking men by whom the market was supplied. Again, the sale of every kind of refreshment was to be positively prohibited. Were they really to enact, that those who, after a week's confinement in London, walked a short distance into the country on Sunday, were not to be allowed to procure any refreshment whatever? The hon. Baronet, the member for Staffordshire, who seconded the motion, asked whether we did not wish to diminish the evil of drunkenness, especially on the Sunday? Undoubtedly drunkenness was an evil at all times, and a much greater evil on Sunday. But to correct that evil, it was not necessary to pass this measure. To increase the penalty upon drunkenness generally, might be a fit subject for legislation; but, because one man drank too much, all the rest of the country was to be debarred from drinking at all, it was like saying no man shall touch water, because another gets drowned. He was not willing to allow the Bill to go into Committee, to see whether it could be rendered unobjectionable. In the present stage of the Bill, that was an unfair mode of proceeding. On the motion for leave to bring in the Bill, it might have been urged as a reason to induce the House to allow the measure to be laid before it, that if the principle were approved of, a suitable Bill would be introduced; but, after the Bill had been printed, and after its provisions had been found to be such as could not, with any sense of propriety, be suffered to pass into a law, such an argument for the committal of the Bill had no force, and the only mode of proceeding was to reject it upon the second reading, and make room for the introduction of a better Bill in its stead. The answer to Pope's habitual exclamation — "Heaven mend me!" was, "Mend you, master, why it would be much easier to make a new one!" And a similar reply might very properly be made to those who, admitting the deformity of the present Bill, called upon the House to go into Committee to amend it. Seeing that the leading features of the Bill were either impracticable or detrimental to the public interests, the House had better get rid of it at once, and leave the field clear for the introduction of a better-considered measure.

Sir *Ronald Ferguson* said, it appeared to him wonderful, that any Member of a free House of Commons could have ventured to introduce this Bill, and that any hon. Member should have taken its part. He agreed with the hon. member for Derby, that this Bill could not be amended, and that it was "incurable;" and he was sure that the House would not allow it to go into a Committee, as they had already in fact, pronounced judgment upon it. He entreated the House to throw out the Bill, and he regretted, that it had ever been allowed to be read a first time. He would beg leave to allude to a letter which he had received from Scotland on this subject; and with reference to the Scotch Bill he would observe that its provisions were befitting the dark and barbarous ages only. As, however, that measure was not before the House, he did not think it would be right to state any thing further upon it; but he would take the opportunity of saying, that he trusted the fate of this Bill would be such as would not induce the hon. Baronet to bring the Scotch measure forward. He would, however, read to the House the letter which he had received from one of the oldest clergymen in Scotland, who was well known to the hon. member for Cupar. This letter was not intended to be read to the House, but, in justice to the Scotch clergy, he could not forbear communicating its contents. The letter was dated from Cupar, and stated the opinion of the Presbytery of Cupar to be hostile to the measure, and the writer hoped, that the good sense of the House of Commons would save them from this crude legislation, which was, as far as regarded that part of the country, uncalled for. The writer further expressed the hope, thatif he (Sir Ronald Ferguson) took any share in the debate, he would not approve of the measure. This, then, was the opinion of a Scotch clergyman!—this was the opinion of the Presbytery of Cupar! For his own part he should term this—a Bill to abridge the common luxuries and comforts of the poor and labouring classes in England.

Lord *Sandon* regretted, as a friend to the alleged object of the measure, that the hon. Baronet should have introduced a bill, every clause of which had already been rejected by the House. The course pursued by the hon. Baronet was highly injudicious, and had exposed the whole subject to a great deal of ridicule and levity, which ought not fairly to be cast upon it. No gentleman should venture to legislate upon sacred subjects without much caution and consideration. He certainly did believe the labouring people required some protection. The tyranny of wealth over labour in this country was so great as to require some protection for labour against its extravagant demands. So far as preventing labour on the Sabbath-day was concerned, he was ready to legislate, but no further; and he most anxiously entreated the hon. Baronet to withdraw his Bill.

Sir *Matthew White Ridley* declared it was not his wish to treat the Bill of the hon. Baronet with levity, but to deal with the subject on a broad principle. He thought that a measure of this sort must be prejudicial to the true interests of religion. Hon. Gentlemen would see, that the practical working of the Bill must be to affect the lower classes, and to leave the rich unmolested. It did not trench upon the recreations of the higher classes, but it did on those of the poor. He should ground his opposition to the second reading of the Bill upon the conviction, that any interference by the Legislature on this particular subject must be injurious to the true interests of religion. They saw that in France, in the German States, in Prussia, and other parts of the continent, the Sunday, after the performance of religious duties, was made a day of relaxation and innocent amusement. In Hanover also, after church service, Sunday was made a day of amusement and harmless festivity; and even the Opera was open on that day. He would refer to those more acquainted with the south of England, and ask whether the indulgence in the game of cricket on a Sunday evening was productive of injury to public morals, or whether the people were less religious on that account? So far from this being the case, he would venture to say, that the indulgence in such harmless amusements, after the hours of church service, was calculated to keep men from indulging in drinking at public-houses, and other vices. He objected to all unnecessary legislation on this subject, and upon this principle he would give his decided opposition to this Bill.

Mr. *Ronayne* concurred most fully in what had fallén from the hon. Baronet who had just sat down. In no country was the Sabbath more religiously observed than in England. He was opposed to that wild spirit of hyper-legislation which appeared to be abroad, particularly with reference to the amusement and recreation of the more useful classes of society on the Lord's-day; but he particularly objected to the Bill now before the House. He was rather surprised, that the House should have been inclined to treat the subject with so much gravity, instead of meeting the Bill with that ridicule which it deserved. He felt inclined to treat it in that way, and would, therefore, say, with the poet—

> "Raise not your scythes, suppressors of our vice!
> Reforming saints, too delicately nice!
> By whose decrees, our sinful souls to save,
> No Sunday tankards foam; no barbers shave;
> But pots undrawn, and beards unmown, display
> Your holy reverence of the Sabbath-day."

Lord *Granville Somerset* suggested to the hon. Baronet to withdraw his Bill for the present. By adopting this course, he would by no means withdraw his pretensions to the support of the House on the introduction of a Bill of a more moderate and limited description. He, for one, felt bound to oppose the second reading of this Bill, although he would have willingly supported, and so he was sure would the majority of the House, any *bonâ fide* measure for the better observance of the Sabbath.

Mr. *Plumptre* said, he was not in the habit of obtruding his opinions at any length upon the House, but he wished to say a few words upon this Bill. They had been told, that gentlemen would feel very odd and dissatisfied if they found the Thames shut up against them, or were to be debarred the use of pot-houses and stage-coaches on the Lord's-day. Now, they would find amongst the petitioners in favour of this measure many lightermen and others connected with the river, and also many post-masters and post-boys, who were anxious to make the Sabbath a day of rest and of religious observance. He regretted to hear the manner in which the hon. Member had talked of the soles of journeymen fishmongers and the souls of journeymen bakers as being of equal value. This certainly was not speaking in the language of him who said, that one soul was of more value than the whole world beside. He would ask, were they prepared to rob their fellow-creatures of their religion? ["*Question.*"] He would ask them how they would meet such a charge on the great and last day? He did not mean to say, that he was ready to give his support to every clause of the Bill as it stood, but he would vote for its going into a Committee where the objectionable parts, if any, might be removed. He hoped the House would, at least, agree with him in the propriety of going so far.

Mr. *O'Dwyer* opposed the Bill *in toto*. Many of the crimes included in this Bill, such as drunkenness, gambling, swearing, cock-fighting, bull-baiting, &c., on the Lord's-day, were already provided against by law. He would fearlessly assert, that the country would not endure such a Bill as this, even though Parliament should be found sufficiently intolerant to pass it. He did not mean to impute blame to the hon. Baronet who introduced the Bill; on the contrary, he believed the hon. Baronet to be actuated by pure and sincere, though mistaken, feelings. He was determined to oppose all such Bills, because, so long as no law, either moral or religious, was violated, the Legislature had no right to interfere with the relaxations and amusements of the people.

Mr. *Grote* was anxious, that the question should not go to a division without his entering his protest against the Motion. The Bill, if carried into a law, would be nothing more or less than a sentence of imprisonment upon the working classes of society upon the Sabbath. Nothing could justify the introduction of a measure of even much less severity than the present Bill. He saw no mark of a want of observance of the Sabbath amongst the people, nor was there any irregularity on that day beyond what was always to be found, and must always be expected, in a large metropolis. Religion, to be effective, must be spontaneous and sincere. It was useless to attempt driving the people into it. He would give his decided opposition to the Bill.

Mr. *Goulburn* would follow the example of the hon. Member who had just spoken, and state, as briefly as possible, the reasons that would guide his vote upon the present measure. He was one of those who could not but regret the course which the hon. Baronet who introduced the Bill to the House, had deemed it proper to pursue. He did not by any means wish to be understood as arraigning the motives of the hon. Baronet, which he believed to be of the purest kind. Neither was he at all insensible to the great importance of the subject itself. He must, at the same time, express his regret and surprise, that the hon. Baronet should, after the decided declaration of the House in the last Session on the subject, have introduced a Bill of a precisely similar nature to that which was then rejected. Surely the hon. Baronet could scarcely expect of the House a favourable reception for such a Bill. It was undoubtedly the duty of the Legislature to provide by every proper means for the due observance of the Sabbath; but he did not think, that the best mode of promoting that observance, was by introducing a measure that had been rejected in the last Session of Parliament, and by subjecting it to a second rejection, send forth a most unfavourable impression, not only of the measure itself, but also of those who might most conscientiously decide upon it—and induce a belief out of doors, that there was no disposition in that House to enforce a due observance of the Lord's-day. If the hon. Baronet had introduced a measure to give full effect to the existing laws, to enforce a proper observance of the Sabbath, no one would more cordially concur in such a measure than he would. He should prefer enforcing the laws that now existed to multiplying Acts of Legislation on the subject. He did not think, that much good could ensue from the present measure; but if he should be called upon by the hon. Baronet to express an opinion upon it by his vote, he should rather give that vote in favour of the second reading, than risk the consequences, and, he feared, the bad effects, of its rejection a second time. While he said this, he wished to be distinctly understood as disposed to alter the whole character of the Bill in the Committee, so as to give a proper effect to the laws as they now stood, so that they might interfere in a salutary manner with the scandalous and indecorous violations of the Sabbath that were now unfortunately but too apparent, and were highly prejudicial to the morals of the people. If the hon. Baronet should divide the House upon the question, he (Mr. Goulburn) should certainly vote with him, because he considered it a national duty to uphold the due observance of the Sabbath; but further than this, he would not wish to carry the enactments, as he had no disposition to interfere with the necessary and innocent recreations of the people, so long as a proper decorum was observed, as every good man must wish, on the Lord's-day.

Mr. *Sinclair* earnestly and respectfully entreated his hon. friend to withdraw this Bill; the fate of which he had long foreseen, though he himself, out of respect for the principles, was prepared to support the second reading; and he was the more desirous to urge this request, because the division would afford to this country a very unfair index of the feelings of the House on this important subject, and would place many gentlemen in a false position; first, because it would be supposed (and most erroneously) that all who voted against this measure, were averse to every kind or degree of legislation as to Sabbath Observance; and next, because others, who supported the Bill, might be, with equal injustice, considered as inclined to adopt all its provisions. He (Mr. Sinclair) was bound to say, that he considered many of the clauses exceptionable, inconsistent, and impracticable. He would cheerfully concur with his hon. friend (to whose worth and exertions no man was more inclined to do the fullest justice) in putting an end to Sunday trading, and in thus placing all shopkeepers on an equal footing, by enforcing that prohibition to trade which they themselves were generally desirous to see established under adequate penalties. But when they came to the particular enactments, his hon. friend and he would very soon part company. He had often told his hon. friend, that by attempting too much, he would accomplish nothing—his advice had uniformly been in private, what he now ventured publicly to repeat, *quando id non possis quod velis, id saltem velis quod possis.* His hon. friend had not sufficiently distinguished between what a man of strict religious principle might prescribe to himself as a duty, and what he had a right to impose as a burthen upon others, whose views were less elevated, or less decided: what was a privilege and blessing to the one, would be privation and bondage to the other. He should quote a single sentence from Archbishop Usher, in which he most cordially concurred: "If I had all men's consciences in my keeping, I could, in disputable cases, give laws unto them as well as unto myself; but it is one thing what I can do, and another thing what all other men must do." With every desire to give to the working classes that protection which they so urgently claimed, and to which they were so justly entitled, he did not think the present provisions of this Bill were wisely adapted for that laudable object; and if it were persevered in, and discussed in Committee, there were many of its enactments which he should wish to see greatly modified, or altogether omitted.

Mr. *Andrew Johnston* observed, there was scarcely ever before brought under the consideration of that House a question of greater importance than the present; and he hoped, that the House, in coming to a division, would at once say, aye or no upon the Bill, in order that the country at large might judge of the opinions of their Representatives, as to the due observance of the Sabbath. [" *Oh, oh!*"] The House should bear in mind, that the question for the second reading of the Bill of last Session was only lost by a majority of six. It should be remembered, too, that a less stringent measure had been introduced the same Session; and though it had undergone much cutting and clipping to meet the wishes of hon. Members, still it met with a similar fate. He considered the hon. Baronet perfectly justified in bringing in this Bill. Let it go into a Committee. He was much disappointed at finding that none of the Representatives of this great metropolis had come forward in support of this Bill. [" *Question.*"] As the House had heard those opposed to the Bill enter into its details, it was, he thought, but fair that they should give those who wished to support it an opportunity of expressing their opinion. He called upon the House to pay some attention to the petitions which had been presented to the House in favour of this measure, the clauses of which had been so grossly ridiculed by the hon. member for Derbyshire. He would maintain, that there was not one of the provisions of this Bill which was not calculated to provide for the wants and wishes of the great mass of the King's subjects. He was much mistaken—he was mistaken—if this question was not a growing question. If it gained nothing, it gained this, which nobody could deny, that much moral benefit was derived to the community by its discussion. He entreated the House to let the Bill go into Committee, and not to trifle with the wishes of the numerous petitioners in its favour by its rejection.

Mr. *Gisborne*, in explanation, denied having turned the Bill into ridicule, or having treated it with contempt. If some of the clauses of the Bill led to ridiculous conclusions, it was no fault of his.

Mr. *O'Connell* believed, many of the supporters of this Bill were not aware of the extent of its operation. Its provisions extended to Ireland and to Scotland too. To be sure, there was to be another Bill for Scotland alone; so that Scotland, by a piece of happy dexterity on the part of the hon. Baronet, was to have the benefit of a double legislation. It was an expression common in his profession, that there never was an Act of Parliament through which a coach and six might not be driven. But here was an Act of Parliament that would let the coach and six go free—that would clear the way for it on the Lord's-day; but woe to the unfortunate wight who required a cab on that day. He protested against this Bill. Its principle was odious—its principle was atrocious. It was altogether a denial of the great principle of Christianity, by giving a preference to the rich over the poor. If the hon. Baronet wanted to legislate, why did he not begin by compelling the wealthy classes of society to a due observance of the Sabbath? Why did not he set out with telling them, that they must not have a groom to curry their horses, or a cook to dress their turtle on that day? Why did he not take steps to prevent the holding of Cabinet Councils, and the giving of Cabinet dinners on the Sunday? Why did he not propose, that the Regent's-park and Hyde-park should be shut up—that there should be no rides in Rotten-row, or drives in the circle on the Sunday? Let the hon. Baronet, if he must legislate on the subject, begin at the right end, and he would deserve support. Oh! but no, the private equipage must be respected. And yet a man might have a very handsome carriage, but still require job-horses. But woe to the man who let, and the man who hired, job-horses. Both must suffer. But, to be serious, no man could have too much religion for himself, and he had a right to the strictest observance of the Sabbath, which he might deem proper; but no man could be too cautious in obtruding his religious belief upon others. Who was it, that in the high mightiness of his sanctity could take upon him to force that sanctity upon another? Let them look at some of the effects of this Bill. There must be informations; there must be investigations before the Magistrates; then would come the oaths, the secret malice, the inward curse; in short, one morning's inquiry at Bow-street would cause more sin and demoralization than the whole of the proceedings which the Bill pretended to prevent. It was curious to observe, how some of the supporters of this Bill treated it. They seemed to be acting under a fear of their constituents, or some other secret apprehension. One said, "I admit that the Bill, as a whole, is bad, but yet, if pressed, I must vote for it;" and then came another, who said, "I object to some of the clauses, yet, if driven to it, I must support it; but pray do not press me; pray do not drive me into such a predicament. Again others thought it right to go into the Committee, where the Bill would be amended; it would be changed, and yet be the same Bill. It must, in that case, resemble the musket of a countryman of his, which was still the same musket, although the owner had, at different times, found it necessary to change first the lock, and then the stock, and then the barrel. Away, he would say, with this coercive piety—this legislative goodness—this Act of Parliament holiness! When such were brought under the consideration of the House, they deserved to be met with argument on the one hand, and ridicule and contempt on the other. Under these pretences it was, that they were called upon to abridge the amusements of the people. A Frenchman, about to suffer by the guillotine, at the period of the Revolution, was heard to exclaim, "Oh! liberty, what crimes are committed in thy name." And any one who witnessed the efforts made to shackle the people with this Bill, and measures such as this, might with equal justice exclaim, "Oh! religion, what folly, what absurdity, what injustice, are committed in thy name." He considered, that the majority of the several Members who had supported the Bill really did not know the object for which they were contending. Why should the puny aid of men be applied to the aid of the Almighty? Why should this question be locked up in an isolated manner? Why not let this question be fairly discussed? And he hoped, that this Bill would be indignantly rejected. If he had any malignity to the Protestant Church, he might be inclined to support this Motion, but, as an honest man, he could not support it.

Sir *Daniel Sandford* must enter his most decided protest against not only the details, but the preamble of this Bill, which, he asserted, would be detrimental rather than serviceable to the interests of religion. It was not necessary, that he should enter into any explanation of the reasons which induced him to oppose the further progress of this measure; but he could assure the House, that in the vote he meant to give, he was actuated by as sincere a love of Christianity as any man in the country. He came down, however, not so much to oppose the present Motion as to move the rejection of the Scotch Bill; and if the House should decide upon allowing that measure to go into Committee, he begged to say, that he was fully determined to contend the ground, inch by inch, with its supporters.

Mr. *Shaw* had but a single observation to make. The hon. and learned member for Dublin put the opposition to the measure upon a ground which could not be passed over without remark. The hon. and learned Member deprecated any legislative interference on such a subject; but although he did not approve of the present Bill, he must, notwithstanding what had fallen from the hon. and learned member for Dublin, contend, that it was the bounden duty of a Christian Legislature to adopt means for ensuring a proper observance of the Lord's-day. Beyond this, he did not think they should go. Sunday trading, and the profanation of the Sabbath, ought to be put down; but still, as the hon. and learned Gentleman had put forth a doctrine to which he (Mr. Shaw) could not subscribe, he should, if they went to a division, give his vote for the second reading of this Bill, knowing, as he did, that there was a demand, a want, and a sincere desire throughout the country for some efficacious law for enforcing a decent observance of the Lord's-day.

Sir *Andrew Agnew* said, in reply, that he should not have presumed to bring forward the present Bill, if he had not had reason to believe, that it would have found considerable support in that House.

The House divided—Ayes 125; Noes 161: Majority 36.

List of the AYES.

Baines, E.
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackstone, W. S.
Bolling, W.
Boss, Capt.
Briscoe, J. I.
Brocklehurst, J.
Bruce, Cumming
Buxton, T. F.
Calcraft, J. H.
Callander, J. H.
Cavendish, Lord
Chapman, A.
Chaytor, Sir W.
Childers, J. W.
Conolly, Col.
Cotes, J.
Curteis, Capt.
Dalrymple, Sir J. H.
Dare, R. W. H.
Dugdale, D. S.
Duncombe, Hon. W.
Dundas, Capt.
Dunlop, Capt.
Eastnor, Viscount
Egerton, W. T.
Estcourt, T. G. A.
Etwall, R.
Evans, W.
Ewing, J.
Fenton, J.
Fergusson, R. C.
Finch, G.
Fleetwood, P. H.
Foley, J. H. H.
Folkes, Sir W. B.
Forster, C. S.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Goring, H. D.
Goulburn, Rt. Hon. H.
Grant, Rt. Hon. R.
Greene, T.
Grey, Sir G.
Halcomb, J.
Halford, H.
Handley, W. F.
Hanmer, Sir J.
Hardy, J.
Harland, W. C.
Hawes, B.
Hay, Sir J.
Hill, Sir R.
Hodgson, J.
Hope, Sir A.
Hughes, Hughes
Ingham, R.
Jermyn, Earl
Jones, Capt.
King, Bolton
Langston, J. H.
Lefevre, C. S.
Lefroy, A.
Lefroy, T.
Lennox, Lord A.
Lister, E. C.
Lopes, Sir R.
Mandeville, Visc.
Marsland, T.
Maryatt, J.
Martin, J.
Maxwell, J. W.
Maxwell, H.
Miles, W.
Moreton, Hon. A.
Morpeth, Viscount
Mosley, Sir O.
Palmer, R.
Patten, J. W.
Parker, J.
Parrott, J.
Perceval, Col.
Petre, Hon. E. R.
Phillips, C. M.
Philpotts, J.
Plumptre, J. P.
Pryme, G.
Rae, Rt. Hon. Sir W.
Rice, Rt. Hon. T. S.
Rickford, W.
Rider, T.
Rotch, B.
Ryle, J.
Sanderson, R.
Sandon, Viscount
Sanford, E. A.
Scott, Sir E. D.
Seale, Col.
Shaw, F.
Sheppard, T.
Simeon, Sir R. G.
Sinclair, G.
Staunton, Sir G.
Stewart, Sir M. S.
Stewart, E.
Thompson, Ald.
Tollemache, Hon. A. G.
Tooke, W.
Trowbridge, Sir T.
Verner, Col.
Verney, Sir H.
Vernon, Hon. G.

Vivian, J. H.
Waterpark, Lord
Welby, G. E.
Whitmore, T. C.
Wilks, J.
Wilmot, Sir E.
Wilbraham, G.
Williams, R.
Young, G. F.
Young, J.

TELLERS.

Sir A. Agnew
Johnstone, A.

PAIRED-OFF.

Chandos, Marq. of
Dare, R. W. H.
Grosvenor, Lord R.
Handley, H.
Hope, H. T.
Maddocks, J.
Maxwell, J.
Pease, J.
Todd, R.
Tynte, Col.
Tynte, C. J. K.

HOUSE OF LORDS,

Thursday, May 1, 1834.

MINUTES.] Bills. Read a first time:—Hertford Borough.—Read a third time:—Trial of Offenders in London and Middlesex.

Petitions presented. By Lords SUFFIELD and TEYNHAM, from two Dissenting Congregations in London,—for Relief to the Dissenters.—By Lord SUFFIELD, from Bury, for an Alteration in the Sale of Beer Act.—By the Duke of NEWCASTLE, from several Graduates of Oxford and Cambridge, against any Alteration in the Laws as to Graduating; and from four Places, against any Alteration in the Corn Laws.—By Lord MONTAGU, from two Places, for Protection to the Established Church.—By the Archbishop of CANTERBURY, and the Bishops of EXETER, DURHAM, and LINCOLN,—from a Number of Places,—for the Better Observance of the Sabbath.

OBSERVANCE OF THE SABBATH.] The Archbishop of *Canterbury* said, he had several petitions to present to their Lordships on the important subject of the habitual violation of the Lord's Day by the people of this country. Their Lordships might, perhaps, think that, after the decision which the other House had come to last night upon this question, the petitions he had to present came rather late. He could not, however, persuade himself, that the Legislature would allow the Session to pass over without the adoption of some measure upon a subject in which the spiritual welfare of the people and the character of the country were so deeply involved. He was sorry, that indiscreet zeal on the part of well-meaning persons should have been the means of rendering abortive the attempts heretofore to legislate upon the subject. If it could be said, that in any matter the voice of the people was the voice of God, surely it was upon this question; and he thought the numerous petitions that had been sent up to Parliament from all parts of the country, and from all classes, ought not to be overlooked and treated with utter neglect. He, therefore, trusted, that the Session would not pass over without the production of some legislative measure to check the scandalous violations of the Sabbath habitually practised, and particularly to the illicit traffic so generally carried on in defiance of the positive law of the land upon that day. He was most anxious to see secured to the poor man the advantages intended by the Almighty in the ordination of the Sabbath. These were rest from labour, and leisure to worship God, and meditate upon those things which concerned the eternal welfare of the human race. He hoped a Bill would yet be sent up from the other House, containing provisions for the attainment of these objects, free from all objection. In legislating upon this and all such subjects, it should be borne in mind that, to make a law such as it would be possible to carry into execution, it should not be charged with excessive penalties, or interfere too much with the personal liberty or domestic habits of the community. The most rev. Prelate presented a petition for the better observance of the Sabbath from Lambeth, signed by 2,347 persons, and from several other places.

Lord *Wynford* reminded the House, that he had, early in the Session, given notice of his intention to bring in a Bill to check the habitual violation of the Lord's Day. He was then told, that there was such a Bill before the other House. Now, that that Bill had been disposed of, he did not immediately give notice of another, being desirous of consulting with the right Rev. Bench upon the subject. To the extent of preventing trading upon Sundays, and to that extent only, did he go along with the measure that had been introduced.

AFFAIRS OF OUDE.] Lord *Ellenborough*, with reference to his Motion to the claim of Mr. Prendergast, as representative of two native bankers, on the King of Oude, inquired whether Ministers would state the grounds on which the *mandamus* obtained by the Board of Control had been abandoned; and whether the information which ultimately led to that result had been received before or after the *mandamus* was applied for?

The *Lord Chancellor* said, the noble Baron must have anticipated what his answer to this interrogatory, first and last, must be. He was not prepared, and the President of the Board of Control was not ready, consistently with his duty and with a due regard to the public service, to accede to the noble Baron's request. Nothing certainly could be worse than to lay before the House documents connected with a transaction which was at the present moment by no means finished, although certain resolutions, or a certain plan or course of proceeding, had been agreed upon by the East-India Company and the Board of Control—that was, his Majesty's Government. The matter was not concluded with respect to its general bearing, and still less with reference to its details. Therefore, to lay the information required before the House would be extremely wrong. With respect to the second question, it would appear, that it was intended to make some disparaging observations with regard to the conduct of the individual who was at the head of the Board of Control. In that case, he (the Lord Chancellor) would be prepared to meet any such charge. But he would put it to the good feeling of the noble Baron himself, whether it would be acting fairly towards that high and responsible officer, to bring the subject forward when the matter in question was in such a situation as rendered it impossible, in meeting any observations which the noble Baron might make, to deal in any other than general allusions. With respect to producing details and evidence, as he had already stated in answer to the first question, it was impossible that such a course could be taken. He should only add, that he and his noble and learned friend, the Lord Chancellor of Ireland, would be placed in a better situation if the subject were brought forward, than the President of the Board of Control, who, if any attack were made on his conduct, could not be present to defend himself.

Lord *Ellenborough* said, the answer of the noble and learned Lord was not, he thought, quite so clear and distinct as the questions which he had thought it necessary to put. One of his questions was, whether the information on which new measures were adopted was received by the Board of Control before they applied for the *mandamus*, or subsequently to that proceeding. To that question no answer had been returned.

The *Lord Chancellor* said, he should reserve any observations which he might have to make on the subject till Monday, as he found that the noble Baron still persisted in his purpose, which evidently was that of attacking an individual on account of his official conduct, after the noble Baron had been told, as he did tell him on his own official knowledge, that he was about to introduce his attack at a moment when the Government could not, consistently with their duty to the King, and with a proper regard for the public service, bring forward the documents that were necessary to elucidate the case.

Lord *Ellenborough* hoped their Lordships would, in fairness, judge of his intentions from what he had uttered, and not from the interpretation which the noble and learned Lord chose to put upon his words. He repeated, that his second question had not been answered; and he believed, that it never would be answered.

Subject dropped.

ADMISSION OF DISSENTERS TO THE UNIVERSITIES.] The Earl of *Winchilsea:* My Lords, in pursuance of the notice which I gave last Thursday, I rise to present to your Lordships a petition, which I feel proud in having had the honour of having placed in my hands, signed by upwards of one hundred lay and clerical graduates of the Universities of Oxford and Cambridge, resident in the small district of country contained in the eastern part of the county of Kent; out of which number I find there are upwards of seventy who have obtained the degrees of Masters of Arts. My Lords, I ought also to state, that this petition was agreed upon without one single dissentient voice, and that I have every reason to believe, that if the petitioners had allowed it to remain for signatures for only a few days; that, with very few exceptions, it would have received the support of every individual connected with those universities resident in that part of the county. My Lords, the prayer of this petition is, that your Lordships would withhold your assent to any act which will, in the slightest degree, interfere with the limitations under which degrees are at present conferred at those Universities. My Lords, I can assure your Lordships, that it was with no slight regret that I saw myself deprived of an opportunity, at an early period, of expressing my opinion on this important question; and also, as it has compelled me to intrude myself upon your notice upon the present occasion, that I was prevented attending in my place in this House on the evening when the noble Earl at the head of his Majesty's government presented a petition signed by a certain number of the resident members of the University of Cambridge in favour of the repeal of these limitations, and also when the royal Duke, Chancellor of that University, to whom I beg to offer my humble meed of thanks for the powerful and eloquent appeal he made to your Lordships in defence of our Established Church and religion, presented a petition still more numerously signed, for their continuance; but, my Lords, in justice to those gentlemen who have intrusted me with their petition, to whose high character of respectability and great intellectual acquirement I can bear the strongest testimony—in justice to my own feelings, entertaining as I do sentiments in perfect unison with those contained in the petition which I now hold in my hands, I cannot content myself with placing it upon your Lordships' table, without craving your indulgence for a very few moments, whilst I offer some brief observations on the subject which it embraces—a subject which I, from the very bottom of my heart, believe involves the best and dearest interests of this Christian country. My Lords, since I have had the honour of a seat in this House, I have been called upon to take my share in legislating upon two of the most important measures which have been brought under the consideration of the Legislature of this country since the period of the Revolution—I allude to the repeal of the Corporation and Test Acts, and the Roman Catholic Relief Bill. My Lords, it is unnecessary for me to dwell, for it is too well known to your Lordships, and the great majority of my fellow-countrymen, on the warm and uncompromising opposition which I offered, both within and without the walls of this House, to the passing of those momentous measures; feeling, and most justly feeling, as every day's bitter experience has since taught me, and continues to teach me, that those concessions, so far from satisfying those to whose prayers they had been granted, would lead to still further aggressions; and that, by the surrender of those great bulwarks which had been so wisely and so justly erected for the protection and security of our Protestant Established Church, the few defences which were left, either for the maintenance of her government, or the propagation of those sound scriptural doctrines which she inculcates, would soon be placed in the hands of those who are bent upon total ruin and destruction. Blind and infatuated, indeed, must that man be who can doubt the truth of this assertion. Let him look at the open and avowed declaration of hostility recently made by the leading members of certain Dissenting bodies in the kingdom against our Established Church and religion;—let him look to the repeated and undisguised declaration of hostility made by the organ of the Popish priesthood, before whom the government of this country, destitute of that great moral courage which ought to have graced and adorned it, and without which it never can, it never ought, to command the confidence and respect of the honourable and high-minded people of this nation, have so often quailed and quaked, and then let him put his hand to his heart and say, if he can, that this statement is false and unfounded. But, my Lords, deep as I thought the importance of these two most momentous measures—pregnant as I conceived they would prove of irreparable injuries to the best interests of this once Protestant country, they sink into perfect nothingness and insignificance when compared with the immeasurable interests embraced by this petition; nay, in the humble opinion of the individual who has now the honour to address you, they are no more to be compared than a drop of water to the ocean, or a spark of light to the countless stars in the firmament. My Lords, it is too true, that the passing of the first two measures effected the separation of Protestantism from our institutions; this last, if agreed to, will tear away Christianity from them. Pass this measure, and we cease to be a Christian country. Now, my Lords, in viewing the claims set forth by a certain body of the Dissenters of this kingdom, backed by Popery, who is at present in the rear, but who would soon, if they are conceded, appear in the first ranks, I will briefly and with humility direct your attention to the important point, worthy of your most serious and deliberate consideration. First, can the Dissenters be admitted to the privileges which they seek at your hands, without the total destruction of many of the most salutary and beneficial statutes which at present exist in both the Universities of Oxford and Cambridge, and which have hitherto marked and stamped their religious character? Secondly, can they be conceded without the removal of all sound religious instruction from those venerable and long-cherished national institutions? Now, my Lords, I will not occupy your Lordships (feeling how anxious you are to proceed to the business which is to engage your attention this evening, though I am confident your time would not be misapplied in considering them), by bringing before you the several distinct religious statutes, which at present regulate the government of the different individual colleges connected with both those Universities. I will briefly, however, point to one most salutary statute which at present affects both the University of Oxford and Cambridge, and which must be repealed before these claims can be conceded, which has wisely provided, that every student on his admission shall be placed under the charge of some college tutor, whose important duty is, not only to promote his intellectual acquirements, but to watch over his moral and religious improvement. My Lords, I am not here to maintain, that this most important and sacred duty has been invariably and faithfully discharged by all those into whose hands it has been committed. My Lords, if I dwell upon the latitudinarian principles now afloat—if I look back upon the total apathy and indifference which have of late years characterised so great a body of our Legislatures, on questions deeply affecting the maintenance and support of that pure system of religion which has been established in this country. I feel that such a position cannot be maintained; but, in making this declaration, which I do with the deepest sorrow, I turn with heartfelt gratification to the brighter side of the picture which presents itself, when I contemplate the great and visible improvement which of late years has taken place at both those Universities in the furtherance of sound religious instruction. My Lords, at the present day (what was far from being the case when I was at the University of Cambridge), a certain study and knowledge of theology is absolutely necessary for the attainment of any degree or honorary distinction at either the University of Oxford or Cambridge. But my Lords, laying aside the question, whether these claims can be conceded without the destruction of all those statutes, which mark the religious character of those Universities, I will briefly proceed to the second part, and consider whether the privileges sought for can be conceded to the Dissenters, without the removal of all sound, religious instruction from those long-cherished national establishments. My Lords, if you are prepared to give your assent to the removal of these restrictions, and to admit all denominations of Dissenters, without the slightest reference to the religious faith which they profess, whether Papists, Atheists, Deists, Unitarians, Freethinking Christians, and the different religious sects, too numerous for me to repeat, which I find, from a book I hold in my hand, amount to upwards of fifty in number, it is worse than mockery to affirm that any system of sound religious instruction can be pursued within their walls. My Lords, concede these claims, and you will have the education pursued in those Universities connected with no religion, or, if so, it will be the mere empty name of religion, for it will be nominal religion, without distinction between truth and error. A sound system of religious instruction, I will boldly affirm, cannot be maintained. I would ask the noble and learned Lord on the Woolsack, whether if any important legal cause had been placed in his hands as an advocate, whether he would not have considered it as a mere waste of time and words to have endeavoured to have established it, without attempting to prove the weakness of the arguments advanced by his opponents. I would ask any noble Lord who has made mathematics his study and pursuit, how frequently he finds the best and most satisfactory course to pursue, in establishing a proposition in that most interesting study, is by showing the absurdity of the converse of it. I would ask one and all of the right reverend Prelates, how weak would be the attempt to establish truth, if error is not pointed out and confuted. Now, my Lords, if this latter course was to be pursued, after the admission of all religionists to those Universities, and truth is to be upheld by the exposure of error, I would implore your Lordships to consider what a religious spirit of controversy you would have called into existence, the fatal effects of which would be felt in every corner of the empire. On the other hand, if all sound religion is to be excluded, from a state of apathy and indifference, what would naturally arise from such a course if it should be adopted—scepticism and infidelity would speedily reign triumphant in those hitherto soundly religious establishments. I implore your Lordships to consider well for whom you will be called upon to legislate; first, for the higher ranks and grades of society, who are to be the future legislators of this Christian country; secondly, for those who are hereafter to fill every sacred office, from the highest to the lowest in our venerated Church. My Lords, many and important are the duties which, from the elevated station in society in which it has pleased Providence to place us, we owe both to our fellow-countrymen and to our God: of the former, none can be compared in point of magnitude and importance to that which calls for a faithful watchfulness on our part, to promote their moral and religious welfare; of the latter, if we believe ourselves to be responsible beings, if we make the revealed Word of God our guide, there is none to be compared to that sacred duty which calls upon us to uphold the honour and glory of His name, and to promote the dissemination of that religion which he came down on earth to establish, for the temporal and everlasting happiness of our fallen race. Will any of your Lordships say that you feel it to be a matter of indifference in what faith or religion your child is educated? Carry this feeling one step higher, towards your fellow countrymen. This nation is one great family, and never lose sight that we hold the responsible situation of guardians and protectors of their moral and religious welfare. Religion, it is true, is a question between man and his Maker, but it is also a question between a nation and their God. Will your Lordships—no, the thing is impossible—proclaim in the face of Heaven, which I will boldly assert you will do if you remove these religious restrictions from our Universities, that you consider it a matter of total indifference in what religious principles the rising generation of our countrymen are educated, and what religion is connected with our institutions? My Lords, there is no individual a greater friend of sound civil and religious liberty, than the humble individual who has now the honour of addressing you, but I will not flinch from declaring the opinion I have long entertained, that liberty and toleration, carried to the extent which they have been of late years in this country, that the former has merged into licentiousness—the latter into a direct promotion of scepticism and infidelity in the land in which we live. As a friend, therefore to sound liberty, civil and religious, I stand forward to uphold and maintain the Established Protestant Church and religion of this country, feeling, which I could establish, if I had not already trespassed too much upon your Lordships' time, that education without religion will prove, from the experience of past ages, a curse, not a blessing, of society; also that religion is the foundation of all sound liberty. Cast your eyes to the wretched scene which now presents itself at this moment in France, where liberalism and infidelity have reigned triumphant, and then you will find ample proof of this assertion—without one atom of those principles upon which society alone can exist, the miserable and worthless people of that nation can alone be governed by the two-edged sword of military despotism. I stand forward at this hour of danger to uphold Protestantism in this empire, regarding her, most justly regarding her, not only as the foundation of our long cherished national liberties, but the source from which have flowed, however faintly, those few streams of liberty which gladden the eye in any part of the civilised world. My Lords, it is weakness, nay, it is madness, to shut our eyes to the danger which threatens the best interests of the empire; by turning our backs upon it, it will hourly gain additional strength. The system of public education which has during the last twenty years been established, from the Infant Schools or the Mechanics' Institutions to the London University, based upon no religion, has filled our land with heathenism and infidelity. My Lords, we see arrayed against our Established Church and religion, the power of Popery, backed by Infidelity, Scepticism, Deism, and Socinianism; the three latter bodies embracing that body of restless, and falsely-styled Christians, to whom I have the recorded opinion of the immortal Burke, the champion of sound civil and religious liberty, no toleration could be granted either by this or any other well-regulated Government, because they would always be found arrayed against every established Government. Gloomy as the prospect may be before, us, fearful as the contest is in which we must soon be engaged, I feel perfect confidence as to the termination of it. Standing in the breach which has been made by the throwing down of those bulwarks of our Church to which I have alluded—surrounded by every individual who sets the slightest value on the blessings of Christianity, whether member of our Establishment, or of the sect of Christian Dissenters, in this empire, who have repeatedly, and will at this trying hour (I will pledge myself for them, which pledge I am confident they will honestly redeem), stand boldly forward in her defence—led by the illustrious individual who at present sways the sceptre of these realms, and whom I will not insult by entertaining a supposition that, if any measure was proposed to him for his assent, which would either remove sound religious instruction from those long-cherished national establishments, or would give a royal sanction to a seminary purposely excluding all religious instruction, he would not with indignation reject it; but, above all, trusting in the sacredness of our cause, and in that Almighty Being who has frequently rescued this Protestant country, at the hour of imminent peril and danger, boldly will we encounter, triumphantly will we conquer, for if God be on our side, which assuredly he will be if we faithfully discharge our duty towards Him and our country—I repeat, boldly will we encounter, triumphantly will we conquer; for if God be on our side we need not fear what man can do unto us.

The petition was read, and ordered to lie on the Table.

REPEAL OF THE UNION—ANSWER TO THE ADDRESS.] The *Lord Chancellor* acquainted the House that he and their Lordships, together with the other House, had this day, pursuant to a resolution of their Lordships and the other House of Parliament, proceeded to wait upon his Majesty with the Address which they had agreed to upon the subject of the Union of the Legislatures of Great Britain and Ireland, and that his Majesty was graciously pleased to accept the same: to which he had been pleased to return the following answer:—

"It is with the greatest satisfaction that I have received this solemn and united expression of the determination of both Houses of Parliament to maintain inviolate the Legislative Union between Great Britain and Ireland, which I entirely agree with you in considering as essential to the preservation of the integrity and safety of the British empire.

"You may rely, therefore, upon my discharging with fidelity and fearlessness the sacred duty which I owe to my subjects, in exercising those powers which are invested in me for their protection against attempts which, if successful, must necessarily produce a separation of my dominions.

"In thus expressing my concurrence in the determination which you have so justly stated, I look back with satisfaction to those salutary laws which since the Union have been passed for the advantage of the interests of Ireland, and I shall at all times be most anxious to afford my best assistance in removing all just causes of complaint, and in sanctioning all well-considered measures of improvement."

Earl Grey moved, that the Address of their Lordships, together with his Majesty's gracious Answer thereto, should be printed in the usual way.

The Motion was agreed to.

LIVERPOOL FREEMEN.] The Earl of *Radnor* moved the Order of the Day for the second reading of the Liverpool Freemen's Disfranchisement Bill. He would suggest, that the same system should be adopted in regard to this Bill which had been followed in the Warwick Borough Bill; namely, that evidence be heard at the Bar.

The Earl of *Eldon* said, that if witnesses were to be examined merely for the purpose of adducing reasons for the passing this Bill, they might as well have walked out of the House at once. He (Lord Eldon) had known the country long, and he could say, from his experience, that the subjects of this country had the greatest reliance on the decision of that House of Parliament; and by its conduct both in its legislative and judicial capacity it had frequently been the means of saving the Constitution, by the exercise of its privileges. If he were to express an opinion upon this Bill—and he should not do so at any great length—he should beg the attention of their Lordships to what this Bill, which they were now called on to read a second time, was. It was this, that in the year 1834 it was found out (for he supposed that it had not, and could not be found out before, or there would have been a Bill of the same kind sooner)—it was found out that some freemen of Liverpool, previous to the passing of the Reform Bill, had been corrupt, and because those few freemen had been corrupt, they were called on to disfranchise the whole of the freemen of Liverpool, innocent as well as guilty. If the intention of the Bill was merely to disfranchise the freemen made since the Reform Bill, he could understand it; but here they were called on to disfranchise all—the innocent as well as the guilty; nay more, they were called on to go further than he believed Parliament had ever gone before, for the Bill before them proposed to enact that all future freemen should be disfranchised. That such a Bill had ever before been submitted to Parliament he did not believe. He was an old man, and it might perhaps be said, was too fond of the institutions of his country, but he recollected that Lord Mansfield, when Chief Justice of the Court of King's Bench, said that all new laws on the subject of bribery were useless, because the common law was sufficient to overtake those guilty of that offence. But upon that Charles James Fox said, that he could not make up his mind to disfranchise those guilty of bribery unless an Act was passed to point out to the people, that for bribery they should be liable to the punishment of disfranchisement in addition to what they were liable to by the common law. He (Lord Eldon) in the same manner could not make up his mind to punish all parties for the offence of a few. He could not consent to confound the innocent with the guilty. If this Bill were to pass into a law, their Lordships might depend upon it that it would be the forerunner of a change in the Constitution of the country. He would not further object to the measure, but this he would say, that whatever evidence was brought forward, it would not induce him to punish the innocent for the offences of the guilty.

Lord *Wharncliffe* begged to suggest to their Lordships that it would be better, before hearing evidence in support of the Bill at the Bar of the House, that the persons who promoted the Bill should be called on to make out their case—and should lay before the House the general grounds on which they asked their Lordships to pass the Bill. That appeared to him (Lord Wharncliffe) to be the proper course of proceeding. At the same time he admitted, that the precedents were in favour of the course of proceeding proposed by the noble Earl. He, therefore, felt some difficulty on the subject, and instead of directly negativing the Motion, he would content himself with moving that the evidence to be adduced should be confined to a certain period of time. The precedents of Cricklade, Aylesbury, Grampound, and East Retford, were all in favour of such a course of proceeding. The first went to introduce the voters from the adjoining Rape of Bramber. The argument in the case of Grampound was strongly insisted on, that it behoved the Legislature to remove, by total disfranchisement, that borough, as a blot on the Constitution, because it belonged to a county (Cornwall) already sharing in too great a degree the representation. He adverted to these cases, partly to show their Lordships that the present was a new case, but in fact there was no precedent for disfranchising men yet unborn as was proposed by the Liverpool Bill. He would next proceed to show their Lordships that, there never was a Bill brought before them by which such injustice was done as by that now before them. In 1830 an election took place at Liverpool, owing to the lamented death of Mr. Huskisson, and he was free to own that it had been since proved that corruption to a great extent then took place among the freemen. He did not stand up in their favour for their conduct on that occasion, whatever might be said of him as an enemy to Reform. He had never defended corruption, and he defied any man to point out an instance in his political life in which he had done so. On that occasion corruption was proved, and if the freemen had then been punished, their punishment would have been just and proper, and he did not mean to defend them. But that was previous to the Reform Bill, by which precisely the same remedy was applied to the corruption of Liverpool which was applied to other boroughs. They ought, therefore, not to take into consideration any corruption which existed previous to the Reform of the House of Commons. After the election of 1830 a petition was presented, and a Committee appointed under the Grenville Act. The Committee came to the Resolution that bribery took place at the election. But subsequently to that election, and previously to the passing of the Reform Bill, two other elections took place, both in the year 1831; and it was a singular fact, that the very parties who were promoting this Bill, in their speeches at the time publicly bore testimony to the propriety with which those two elections had been conducted. At the next election there were four candidates; two Whigs; one was a Tory, and the other was a moderate politician. One of the liberal candidates and the moderate man were returned. Immediately after that election, a Committee was formed in Liverpool, avowedly for the purpose of collecting evidence, and making every inquiry into the proceedings. That Committee was composed of the parties who were promoting this Bill; and notwithstanding they used great exertions for a considerable time—notwithstanding the Report of the Committee of the House of Commons, that gross bribery and corruption had prevailed at the election of 1830—when Parliament met they were unable to present an election petition on the subject. A petition, then, was subsequently presented to the House of Commons, signed by 3,000 persons, complaining that bribery existed at that election, and calling upon the House to inquire into it. The House of Commons entertained this petition. A petition was also presented, signed by 7,500 electors denying the allegation, and requiring to be heard on their own behalf. On this the House of Commons appointed a Select Committee—not a Committee under the Grenville Act—not a Committee, the members of which are sworn, and obliged to attend—but a Committee not armed with powers to examine witnesses, and on oath. That Committee came to the conclusion—"That cases of bribery and corruption had been proved at the late election for Liverpool, but that such cases did not appear to have been with the authority of the candidates, or to have been pursued systematically or extensively." That was the Resolution of the Committee after the parties had had an opportunity of raking up every fact that could possibly tend to forward their views. That Resolution, however, was carried in the Committee by a majority of one voice only. After the Reform Bill had been passed—after, in point of fact, the Legislature had applied the remedy usually administered in cases of corruption—after the enfranchisement of the 10*l.* householders, whereby the constituency was increased from 4,000 to 12,000—after all this, one would have thought that this Report of the Committee would have put an end to the subject; and it was extremely hard, after the accusing parties had had one opportunity of bringing their case fully before the House of Commons, subsequent proceedings should be adopted with the view of extending the inquiry, and of raking up old grievances which the Reform Bill was supposed to have remedied. Upon a debate which took place after in the House of Commons, it was admitted by the Paymaster of the Forces and the Solicitor-General, that this Resolution was not sufficient to ground a Bill of Pains and Penalties upon, and another Committee was therefore appointed to rake out further evidence. That Committee came to certain Resolutions upon which the Bill at present before their Lordships was founded, and carried through the other branch of the Legislature. He had endeavoured to distinguish the periods of time, and to point out to their Lordships what would be applicable to the period prior to the passing of the Reform Act. He endeavoured to show what only could be applicable to the period that had elapsed since. He fully admitted the corruption of the voters of Liverpool previous to the Reform Bill. But what happened subsequent to that Bill? The constituency had been changed. The first Reform Bill did not go the length of disfranchising freemen for treating. The second Reform Bill was kept within still narrower bounds, and not only confirmed the present freemen in their rights, but those also who should hereafter become entitled to their freedom, either by birth or servitude. It would be a most gross injustice to turn round now upon these persons, and say, "We will punish you for acts done before the Reform Bill passed." To justify this Bill proof of corruption subsequent to the Reform Act should be produced. The second Committee sat many days, and went as far back as 1819 for evidence of bribery. In their Report two cases were particularly alluded to of persons who subscribed 400*l.* each for the election of General Gascoyne, and who, in consideration of the money thus advanced were to get tide-waiters' places. *Non constat* whether these very two individuals, after this Bill passed, would not still have a right to vote as 10*l.* householders. The Committee, not content with referring to the bribery which took place at elections for Members of Parliament, referred also to bribery in the election of a Chief Magistrate. The Committee declared, that the suspension of the Writ, and the threat of disfranchisement in consequence of what occurred in 1830, had a good effect upon the subsequent elections. Were they now, in the face of such a declaration from the Committee, to turn round and say, that notwithstanding the good effect produced by this threat, the freemen were to be disfranchised? Suppose the law threatened him with punishment, and in consequence of the threat he amended his conduct, would it be fair to turn round and say, "You shall be punished, though you have improved in your conduct?" The Committee recommended a measure to secure more purity, not only in the election of Members to serve in Parliament, but also in the election of a Chief Magistrate. This Bill, however, made no reference at all to the office of Chief Magistrate. The Committee recommended, also, that the superior class who were guilty of corrupting others ought to be punished. In place of doing this, the present Bill, while it would punish the poor freemen, would leave the rich in possession of their franchise as 10*l.* householders. In place of acting in this way, the rich who corrupted others ought to be disfranchised *nominatim.* There was a great number of the freemen against whom no charge was ever insinuated of having received bribes in 1830. Including those against whom no charge of bribery was brought, freemen's sons, and persons whose names were upon the register, having inchoate rights, this Bill would deprive of their rights not less than 4,541 persons, while it left to several guilty persons the privilege of still voting as 10*l.* householders. Whatever might have been his opinion of the Reform Bill, and, though all his anticipations of its effects were more than realised, still as it was now the law, it ought to stand upon its own bases, and not be made an instrument of punishment in any election cases, except such as occurred subsequently to passing that Act. Had anything taken place since 1830 to warrant the disfranchisement of the freemen of Liverpool? Why, there were 12,000 voters, and, at the subsequent election, the whole amount of bribery proved was 48*l.* 9*s.* 9*d.*, of which 27*l.* 3*s.* was said to be distributed in bribes. But what was the evidence? One witness said, he saw a bribe given, but did not know the name either of the giver or the receiver. Another said, he saw a ribbon given to one, and a 5*l.* note in a voter's hand, but did not know who gave it to him. Another species of bribery was alluded to which, perhaps, could not be much blamed. It was stated, that several manufacturers gave half a day's wages to their men. There was only a small sum of 3*l.* 10*s.* not satisfactorily accounted for. He did not refuse to hear evidence if the noble Earl (the Earl of Radnor) thought it would make his case better, but he thought the examination should be confined to what took place subsequently to the passing of the Reform Bill. Everything that occurred before should be forgotten and forgiven. If the freemen of Liverpool should hereafter return to their former courses let them then be punished. The franchise of no place would be safe if so small an amount of corruption as that just mentioned was to be a sufficient ground for disfranchisement. He would undertake, at this rate, with 200*l.* to disfranchise any place. The petitioners now came before their Lordships to amend their case at the expense of the country, knowing that it was not sufficiently strong. If the country paid their expenses, he should certainly propose that the expenses of those on the other side should be defrayed in the same way. Would it be fair to call the parties again before their Lordships, and put them a second time to the trouble of an examination on matters which occurred in 1830? In this, as in other cases, attempts would be made to persuade the country, that the House of Lords was desirous to crush all inquiry into matters of corruption at elections. This he must deny. The specific business of the House of Lords was to guard the rights of individuals. They would not—and it was high time to declare, that they would not—take this, or any other case, upon the mere showing of the House of Commons; that no names which might be applied to them, no insinuations that might be thrown out, should turn them from their duty; that they would neither give up their own rights, nor sacrifice those of others. The object of the Motion with which he should conclude was, that their Lordships would confine their inquiry into the alleged corruption of the freemen of Liverpool, to the period that had elapsed subsequently to the passing of the Reform Bill. That was a compact under which it was agreed to contine certain rights; and he maintained that their Lordships had no right to take those rights away, unless they were firmly convinced, that they had been subsequently abused. He would therefore conclude by moving as an Amendment to the Motion before the House, "That the right of voting for Members of Parliament for the borough of Liverpool, having under the provisions of the Act of 2nd William 4th, cap. 45, intituled 'An Act to amend the Representation of the People in England and Wales,' been very greatly altered and extended to a very large number of persons, in addition to those who, before the passing of that Act, had or might acquire the exclusive right of voting for such Members, Counsel be directed to confine their examination of witnesses, to acts of bribery and corruption at any election that has taken place subsequently to the passing of that Act."

The Earl of *Radnor* said, the noble Lord, by this Amendment, took him rather by surprise. He was a little surprised at it, because the course he proposed was the same as that followed in all the five cases to which the noble Lord referred. The noble Lord told them last week, that it was his intention to oppose the second reading, and endeavour to throw out this Bill altogether; and the noble Lord left them up to the present time with this impression. The noble Lord referred with expressions of disapprobation to the proceedings of the House of Commons with reference to this Bill. With these proceedings, whether blamable or not, he had nothing to do. He for one could not agree to the wish of the noble Lord to limit the inquiry to the election since the Reform Bill. The noble Lord had said, that he did not think there had been much bribery at the late elections; but was it not well known that at the election of 1832, one of the candidates relinquished the contest on the very first day because he would not consent to give money to the voters? It was in evidence, that the electors asked for beer and money, and refused to vote without them. He would, however, oppose the Motion of the noble Lord, mainly on the ground, that however bad the conduct of the electors might have been at the last election, the present Bill was not founded on the corruption then practised, but on the Report of the Election Committee, which declared, that "a gross system of corruption had prevailed in the borough of Liverpool for a series of years back." It was rather inconsistent in the noble Lords opposite to stand up now for the purity of Liverpool when that very borough was the one chiefly quoted as having a large population, and as notorious for its corruption, in their speeches against the Reform Bill. The noble Lord said, it would be hard to go back to cases of corruption that occurred before the passing of the Reform Bill; but it should be recollected that the Bill to disfranchise the borough of Liverpool had been brought in long before the Reform Bill passed into a law. That Bill was brought in before the dissolution, and in fact was going on through the House at the same time with the Reform Bill; and it was only withdrawn at that time to be again brought in after the re-assemblage of Parliament on the general election. He should, for these reasons, most strenuously object to the Motion of the noble Lord. The extended investigation had been opposed upon the ground of the expense to which it must subject those who opposed the Bill; but he did not think that there could be any great doubt, that the Corporation of Liverpool, which possessed an income of 198,000*l*. a-year, was well able to bear any expense that the inquiry might lead to. If, upon a strict investigation of the whole case, the Bill did not appear to be a fair one, he hoped the House would reject it, but, if otherwise, the Bill, as an act of justice, should be passed.

The Duke of *Richmond* said, that he was desirous of saying a few words on this occasion. He would first observe, that if the inquiry were to be confined to the last election, or the election before that, it would be placing the House in a very difficult situation. He for one should object to disfranchise any single voter who was not clearly and distinctly proved to have been guilty of corruption in 1830, namely, three years before the operation of the Reform Bill; but he would disfranchise, not only at Liverpool, but all over the country, every man who had in any manner participated in corrupt practices at the elections subsequent to that period. He would hold those men up to public exposure and reprobation, and more particularly those amongst them who were the persons who gave the bribes. There might be some excuse for the poor distressed man, the wants of whose family might drive him to the necessity of selling his vote; but what excuse could be offered for the gentleman, to whom the poor man was accustomed to look up to as an example which he was to follow in all moral considerations? What excuse, he asked, could there be for this rich man, who was guilty of the base act of corrupting his poorer, but, morally speaking, his more honest neighbour? He would therefore appeal to his noble friend, if it would not be better to name in the Bill every man who was proved to be, by his corrupt practices, undeserving of the elective franchise.

Lord *Wynford* said, that he entirely concurred in every word that had fallen from the noble Duke opposite. He should never be found to say one word to protect corruption. Let a case be made out in which corrupt practices were proved to have taken place, and he should be one of the first to support any measure for the disfranchisement of that place, or at least to so alter the nature of its constituency, that it should no longer have the power of being corrupt. Under these considerations, it would be quite impossible for him to vote for the motion of his noble friend, and it was with great pain that he felt himself compelled to differ from his noble friend on any occasion. The House of Commons had sent a Bill up to their Lordships, declaring, that gross and notorious corruption was proved to have taken place in the borough of Liverpool, at the election of Members to represent that borough in Parliament. Would their Lordships then say, that they would not go into the inquiry, or that they would, in the slightest degree, cripple that inquiry? He, for one, would say, let the witnesses come to their Lordships bar, and then the House would see what weight was due to their evidence. Much had been said, as to limiting the inquiry to the period since the passing of the Reform Bill; but surely the Reform Bill was never considered to be a Statute of Limitations against corruption. So far from having any hesitation as to the adoption of the present Bill, if the corruption should be proved at the bar, he would most gladly concur in passing a still more effectual measure. He would not only deprive of his franchise, but he would brand with public scorn, any man who was proved to have been corrupted, and he would more especially deal out a full measure of punishment to those who had corrupted others. He would stick their names upon a board, to point them out as persons to be avoided by their honest neighbours. That House, it was known to their Lordships, could not act upon evidence taken before the House of Commons. The chief object in procuring the evidence from the other House of Parliament, was, to compare it closely, and see if the different witnesses agreed in their stories. He could not believe that the corruption that was stated to have prevailed at Liverpool, stopped short with the freemen alone. It was his opinion, that the household voters were equally tainted, and he thought it only just, that one measure of punishment should be dealt out to the corrupt of all classes. He would, therefore, propose, that they should go on to disqualify all household voters, as well as freemen, who should be proved to have in any way participated in the alleged bribery and other corrupt practices. He would take away from those men all future right to vote, because, in the language which it was proved they themselves were accustomed to use, "they considered a vote of no other value than what it would sell for." He disapproved of the principle of establishing one general rule of voting all over the kingdom as extremely unjust. A French minister had said, on the extension of the elective franchise, at the time of the Reform Bill, that he could not see the use of giving to the English a franchise merely to sell it. On the best consideration that he could give to the Bill before their Lordships, he had come to the determination of voting for it, if its principle should be established by evidence, but, at all events, he should be no party to stopping it in its course.

The Earl of *Winchilsea* said, that, on the same grounds that had been so ably stated, by his noble and learned friend who had just spoken, he should give his support to the noble earl opposite; but at the same time he could not entirely approve of the Bill before their Lordships as it at present stood. His most anxious wish was, to do justice to all parties, and he should give his decided vote for the disfranchisement of every man, household voters as well as freemen, who should be proved to have forfeited, by their corrupt practices, the trust that had been confided to them. He would lend his best aid to stigmatize and hold up to public scorn and reprobation every man who had been concerned in the system of bribery that had been stated to have prevailed.

The Marquess of *Salisbury* was desirous that the House should follow the precedents that had been laid down on former occasions. The practice hitherto had been to confine the evidence, in the first instance, to an inquiry into what had occurred at the last election. This was deemed necessary before any step was taken towards disfranchisement. The usual practice, in all former precedents, was, not to disfranchise particular individuals, but only to proceed upon such general corruption as might be proved to exist and render it proper that the franchise should be extended as in the case of East Retford. When it was proposed to disfranchise a large and a particular class of voters, he thought it only fair that it should be proved that they had continued in the exercise of corruption after the passing of the Reform Bill. He should, therefore, suggest to his noble friend to withdraw his Motion, and that counsel be instructed to direct their attention, in the first instance, to any acts of bribery or other corrupt practices that might have prevailed at the last election for the borough of Liverpool.

The *Lord Chancellor* said, that the noble Marquess had anticipated most of the observations which he had intended to offer to their Lordships. He felt anxious, however, to say a few words upon this subject, from an ancient connexion which he had once sought with this very borough of Liverpool; for he saw, that among the many misdeeds of that borough, there was an allusion made to the misdeeds of the election of 1812, when he was a candidate. Turning away from that topic, for the present, he would proceed to call their attention to what had fallen from the noble Marquess who had just preceded him. He saw the difficulty of going into the proceedings of all the elections at Liverpool, for the Reform Bill having passed within the last three years, and having been devised as a remedy for the mal-practices then existing, he was bound, as a friend to that measure, to consider whether it was not fitting to try its efficacy by seeing what it had accomplished. There was also great difficulty in acceding to the proposition of the noble Baron, and confining the inquiry to what occurred at the last election. It was a line of conduct obnoxious to misrepresentation, and which certainly would be misrepresented. It would be represented, and not without show of justice, that by such a proceeding their Lordships were endeavouring to shut out the light, and to withhold the truth from the public. Having adverted to the proceedings at former elections at Liverpool, he felt, that he should neither perform his duty to that House, nor to his friends at Liverpool, if he did not express the deep feeling of disgust which had been excited in his mind by reading, in the evidence, the history of the transactions at the former election. He had not read more disgusting evidence than that which was given respecting the election of 1830, when two shops were opened, with a slit in their walls, to which persons were brought by individuals who ought to have known better, and through which 10*l.*, 30*l.*, 40*l.* were paid for votes which ought to have been given honestly and conscientiously; and, on the last day, 60*l.*, 80*l.* —ay, and even as much as 120*l.* It was a spectacle mixed up with every disgusting feature which the mind could contemplate. He had heard, that in the election of 1812, similar things had happened. He did not believe it at the time, but he did believe it now. It was only justice to his opponent at that election, the late Mr. Canning, to say, that that right hon. Gentleman knew no more of that bribery than he did. Indeed, Mr. Canning had told him so in private conversation. They had neither of them paid one silver penny in that way; for, as was well known, the election was conducted on both sides without expense to the candidates. They had heard, indeed, that a great deal of "beer" was given away by their respective friends. They did not then know what "beer" meant. There were tickets for beer. These tickets were currency. They said, "Deliver a cask, or half a cask of beer to the bearer." But the beer was never delivered, notwithstanding. The tickets were changed for money, and thus there was a currency, under the name of treating, to enable the parties to see what they could do in the way of bribery. He had hoped, that the Reform Bill had put an end to all this, by introducing a more extensive constituency. If the remedy devised by the Reform Act was effectual, let the electors of Liverpool get off for what they had done before; but if the Reform Act still enabled the old offenders to offend again, let us go into the inquiry, and then if their guilt be proved, let those old offenders be dealt with according to law.

Lord *Wharncliffe* wished their Lordships to sift to the bottom the proceedings at the election since the Reform Bill. Then, if that inquiry did not turn out for the advantage of the borough, let their Lordships inquire further. He had no objection to let his Motion be so modified by the introduction of the words "in the first instance," as to let the occurrences of the last election form a preliminary step to future inquiries.

The Marquess of *Lansdowne* had no objection to offer to that modification. He hoped that whatever might be the result of the present inquiry, as relating to the last election, at all events those 500 individuals who had been convicted of bribery and corruption would receive salutary punishment in order to secure in future the freedom of election at Liverpool.

The Earl of *Durham* thought the course now proposed was contrary to all precedent. He moved on the East Retford case to confine the inquiry to the last election, but he was opposed by the noble Lords who now recommended a different course, and it was decided against him on the score of precedent. The counsel were instructed to open their case as was best for them. The Amendment for introducing the words "in the first instance" was agreed to, and counsel were called in. Further proceedings postponed. It was arranged, that whenever the House should find it convenient to proceed with the case, four or five days' previous notice should be given to counsel, in order that they might be prepared with the witnesses.

HOUSE OF COMMONS,

Thursday, May 1, 1834.

Minutes.] Bill. Read a first time:—Domestic Registration.

Petitions presented. By Mr. Baines, from Bramley, for a Dissolution between Church and State; from Leeds and Dewsbury, for Amending the Sale of Beer Act; and by the same, Colonel Davies and Mr. Wilks, from several Dissenting Congregations,—for Relief to the Dissenters.—By Mr. James Oswald, Mr. Frederick Shaw, Sir Henry Parnell, and H. Campbell, from several Places,—for the Better Observance of the Lord's Day.—By Mr. Rotch, from Leeds, against Trades' Unions.—By Mr. James Oswald, from Ayr, for Relief to the Polish Exiles; from the Hand-Loom Weavers of several Places, for a Board of Trade, and for Relief.—By Captain Wemyss, from several Places, for a Dissolution between Church and State.—By Mr. James Oswald, from Ayr, and other Places, for a Better System of Church Patronage in Scotland; from Leslie, for Excluding the Bishops from the House of Lords.—By Captain Wemyss, from Cumnock, against the Payment of Road Money; and from the Schoolmasters of Cupar, for an Augmentation of their Stipend.

Repeal of the Union—Answer to the Address.] The Speaker reported his Majesty's Answer to the united Address of the Lords and Commons, for which see the Lords Debates *ante* p. 367.

On the Motion of Lord Althorp it was resolved, *nem. con.*, "That an humble Address be presented to his Majesty to return the thanks of the House for his Majesty's Answer."

Vacating of Seats on Acceptance of Office.] Sir *Robert Heron* moved, that the 6th of Anne, c. 7, be read. This having been done, the hon. Baronet proceeded to say, that, in bringing forward the Motion of which he had given notice, he wished to correct an impression on the subject which had by some means or other got abroad. It had been stated in the newspapers, and elsewhere, out of that House, that he brought forward his present motion with the sanction of his Majesty's Ministers; but this was not the fact, for, up to the period of giving his notice, it was not known to the Government that he ever contemplated submitting such a motion. Having made this observation, he would proceed, as briefly as possible, to lay the grounds on which his Motion was founded before the House. As he did not wish to occupy their time by unnecessary remarks, it would be sufficient for him to say, that the principle which the Bill he proposed to introduce was intended to establish had been constantly acted upon up to the time of the Reformation and afterwards, though not always so regularly. The two Acts that had placed the matter on its present footing, were the 6th of Queen Anne and the 41st of George 3rd. Before the Reform of Parliament, no member of this House, or of any former House, would have conceived the idea of disapproving of any portion of the check the people either possessed, or were supposed to possess, upon the influence of the Crown, or upon the appointment of its Ministers; but now that Parliament was reformed,—now that the people were substantially represented

—now that it was utterly impossible for any administration to continue in power without the confidence, or contrary to the wishes of the nation,—it seemed to him that the provision was perfectly unnecessary, and that it could have no other effect than to embarrass the just prerogatives of the Crown in the choice of its servants. The people had obtained their rights, and he rejoiced at it; but the more their power and that of the House of Commons was thereby increased, the more necessary it was to maintain the legitimate rights of the other branches of the Legislature—the privileges of the Lords, and the prerogative of the King. It could not be denied, that all popular assemblies were subject to sudden impulse: they were liable to be carried away by ambitious and unprincipled demagogues, and excitement prevailed upon no occasion more than at elections. The ultimate and deliberate opinion of the people was rarely wrong; they soon recovered from their delusion, in this island at least. In former times, when the vacating of seats might have been useful, it was constantly avoided, and became utterly fruitless. Now that it was unnecessary, it was most powerful and effective. While it was utterly inoperative for good, it was potent for annoyance. Hon. Members were, perhaps, scarcely aware of the manner in which it was formerly maintained; and the consequence was, that few of the principal ministers of this country had ever sat for populous places. Sir R. Walpole sat for Lynn; the first Mr. Pitt for Seaford; Mr. H. Pelham was almost a solitary exception, as he was a county member; Mr. Perceval sat for Northampton, then, in some degree, a nomination borough; Lord North sat for Banbury; Mr. Pitt and Lord Lansdown were members for Universities, which certainly could not properly be said to possess a popular constituency. Mr. Fox, for the short time he had been in power, was Minister, as it were, in defiance of the Crown; Mr. Addington represented Harwich; but the most remarkable instance was Mr. Canning, who sat for Liverpool until he became Minister, and then thought it necessary to relinquish it. But the custom of vacating seats, which before the Reform Bill was fruitless, at this moment was most effective and inconvenient. No Minister could now avoid it; he must sit for a popular place, since there were no others; nomination boroughs were at an end. Hon. Gentlemen seemed to deny that they were at an end; but if nomination boroughs were not entirely swept away, it must be allowed that there were not many of them remaining. He would not dispute, however, that there were still places in which individuals had a great and preponderating influence. A man might persuade his neighbours to elect a son, a brother, or a friend; but he would not be able to persuade them to withdraw their confidence from the Member whom they had chosen in order to confer it upon a stranger. The Member, too, however desirous of supporting the Minister, would not be able to give them his constant aid. In short, a Member could not be governed as formerly; the steward of a borough could not now reply, "I neither know nor care whom I have nominated;" nor would another returning officer be obliged to send to a distance to ascertain the name of the candidate before he could insert it. He repeated, therefore, that the practice of vacating seats, formerly merely nugatory, was at this time effective even to the disturbance of the King's prerogative. The most popular Ministry might thus be disorganized: a Member who well deserved the approbation of the rest of the community might be rejected on an appeal to his constituents, because he had opposed some local job. Almost every one acknowledged, that it had become absolutely necessary to find a remedy for the evil of Ministers now vacating their seats; and he had heard only two remedies suggested. One was that which he understood was to be proposed as an amendment to his Motion, namely, to give seats to certain Ministers of the Crown *ex-officio* upon their being nominated to their places in the Government. The difficulties of this arrangement were supposed to be renewed by not giving to such officers the right of vote, but only to speak. He confessed, he thought the House required no accession of talkers. He would ask, if they had proved themselves a House of such taciturnity as to make it necessary to import twenty or thirty additional talkers *ex-officio*, who were to have nothing else to do? He objected to such a plan. The scheme was French; and, however much he respected that country, and hoped long to preserve our alliance with it, yet her institutions did not suit us; and while we had good ones of our own, he was not disposed to go abroad for others.

He was decidedly opposed to this remedy, because there was another perfectly equal to the object, and that was to abolish altogether the custom of vacating seats in that House upon taking office. Some had proposed, that the principle of not vacating the seat should be confined to a mere change of office, and that, in case of office under Government being accepted for the first time, the Member should vacate his seat. To this he saw many objections; and the first was, that it was not adequate to the evil. It seldom happened that a Minister was kept out of Parliament by such a change, though there was now a remarkable instance of it. But what would the country say to such a plan? Why, that the majority of the present House, who were friendly to the Ministers now in office, were disposed to put in their hands a power to keep themselves there by allowing them to make such changes without subjecting them to the control of the people; while, as soon as his Majesty should wish to choose their successors, then they called for a popular election. He should therefore propose a Bill upon the plan he had himself stated, and the officers he should include in it would be the following:—The Commissioners for executing the office of Lord High Treasurer, the Commissioners for executing the office of Lord High Admiral, the Chancellor of the Exchequer, the Secretaries of State, the Secretary at War, the President of the India Board, the President and Vice-President of the Board of Trade, the Secretary of the Admiralty, the Secretary of the India Board, the Master-General of the Ordnance, the Clerk of the Ordnance, the Surveyor-General of the Ordnance, the Lieutenant-General of the Ordnance, the Paymaster-General of the Forces, the Attorney-General, the Solicitor-General, the Chief Secretary for Ireland, the Attorney-General for Ireland, the Solicitor-General for Ireland, the Lord Advocate of Scotland, and the Military Secretary of the Commander-in-Chief. There were two other officers which, for obvious reasons, he had not included, and they were the Steward of the Chiltern Hundreds, and the Steward of the Hundred of East Hendred. It now only remained for him to state the period at which the Act should come into operation. As it seemed to him to be an obvious impropriety that hon. Members of that House should legislate that they themselves should not vacate their seats upon accepting office, he would leave the period blank; but, in his opinion, the Act ought not to take effect until after a dissolution. He concluded by moving for leave to bring in a Bill to prevent the necessity of hon. Members accepting certain offices vacating their seats.

Mr. *Edward Lytton Bulwer* was of opinion, that this was a question, above all others, in which there ought to exist no misinterpretation on the part of the public as to the motives of hon. Gentlemen. It should not be brought forward by a Tory, lest it might be suspected to be a sly invasion of popular rights; neither should it be brought forward by a Whig, however liberal his views, who was in the habit of supporting the present Ministry. It was far better, that such a recommendation should come from an independent Member, attached to neither of the two parties, and, therefore, he had undertaken to propose an amendment, to which the hon. Baronet had alluded, the principle of which was, that Ministers should have a right to seats in this House by virtue of their office, but that they should not enjoy the privilege of voting, unless returned by some popular constituency. He was not satisfied with the proposition of the hon. Baronet, because he thought, while it violated a great theoretical principle, it did not remove the worst dangers of the present system. It violated a great theoretical principle, because it was obvious, that when a constituency chose an independent member of Parliament, they often chose him on account of his very independence. They might be dissatisfied with a government, they might elect a member exactly because he sympathized with them in that dissatisfaction, and the instant he was returned he might accept office, and for the next six years retain a seat, enforcing, as a Minister, that very set of opinions which he had obtained that seat by opposing as a member. It was a fiction to call such a man a representative of the people. He might have good reasons for his change; he might be an honest minister; but he was not a true representative. The principle of the Constitution was, not that the people should choose Ministers, but that they should have an immediate opportunity of deciding whether or not they wished their representatives to become

Ministers; and this principle the present measure would entirely destroy. In short Parliaments the Bill would be less dangerous; but with the present long duration of Parliament, it would only be a shelter for tergiversation, and a shield to apostacy. But if the measure thus violated a great and sound principle, did it meet all the practical evils of the present system? The obvious and most glaring inconvenience of the present system was, that men might be chosen to office, not in proportion as they would fit the station with honour, but in proportion as they could vacate their seats with safety. The motion of his hon. friend certainly remedied that evil; but there were others more latent and more dangerous, which it did not meet. As the practical inconvenience of losing men of ability and experience just at the very time when their talents might be put to the greatest use,—as this inconvenience increased, and the public as well as the Government experienced its effects, there would grow up a disposition to wink at any means by which the inconvenience could be repaired; small boroughs, under the influence of property, would gradually be pressed into service in any emergency, and many a phœnix would silently rise out of the smouldering ashes—*suppositos cineri doloso*—of Gatton and Lostwithiel. He granted that, at the present moment, there seemed to be no danger of a want of vigilance on the part of the public, and that they seemed to be even morbidly anxious that no green spot should be found for the wandering ark of a disconsolate Attorney-general. But then that gentleman, and some others in a similar predicament, whatever might be their talents or services, were not very noisily or dangerously popular at the time they were so suddenly expelled from the paradise of those benches; the danger was, that in the first instance some very popular persons, darlings of the press and of the public, should by some accident, some local manœuvre, lose their seats, and that, in the excess of their popularity, any resources for their re-entrance into that House would be easily pardoned; the precedent once set in this instance, it would be very easy for an artful and crafty administration to establish and confirm it. These, then, appeared to be the evils of the present system—inconvenience to the public in the loss of able men; a probable undue preponderance in the cabinet of the agricultural interest; a subjection to the wishes of peculiar constituencies, rather than an impartial view of the general interests of the country at large—a principle which, if faulty in an ordinary member, was most faulty in a Minister; and lastly, the great temptation afforded to corruption. Now, the hon. Baronet's measure, if it remedied the evils at all, only remedied them in part. The measure he would propose seemed to him to remedy them entirely. The hon. Baronet's bill did not apply to general elections, in which, no less than in occasional contests, an honest and able servant of the public might lose his seat: it did not, therefore, prevent the temptation to close boroughs, nor the undue regard to the sectarian interests of peculiar constituencies. But the remedy he intended to propose seemed to him to meet all the evils. It was obvious that, if Ministers held seats by virtue of their office, there could be no local or temporary causes for not selecting, as ministers, the ablest men, whether in that House or out of it; that this balance of interests in the Cabinet could always be adjusted; that there would be a greater freedom from the undue influence of peculiar constituencies, and that there would be no inducement to an administration to attempt to effect once more the convenient resources of rotten boroughs. One objection might be urged, both to his project and that of the hon. Baronet: it would be said, that you take away a great check which the people hold upon the Government in making them see how far they were acting in accordance with, or in opposition to, the popular opinion. He would not include, in his proposition, all the *dii minores* of the Ministerial Pantheon; partly because the business of the state was not greatly interrupted, the machinery of legislation did not stand still, if a Lord of the Admiralty or a Lord of the Treasury suddenly left an aching void upon the opposite benches; but principally because the lesser officers were rather living proofs of the patronage of state than persons supporting high and responsible duties; and it might be well that they should be, from time to time, subjected to their constituents, in order that it might be clearly ascertained that they were not guided by a low ambition in the adoption of offices leading often to no further eminence, and having more connexion with profit than distinction, The measure he would propose should include one organ in that House of each of the principal departments of state, whether secretary or under-secretary, president or vice-president (because the heads of the office might, perhaps, be in the House of Lords)—such as the Home Department, the War-office, the Foreign-office, the Admiralty, the Colonies, the India Board, and the Board of Trade, to which he thought should be added the office of Secretary for Ireland; and as the presence of one law officer in that House was expedient, he thought it wisdom as well as charity to include either the Attorney or Solicitor-General. In his Motion, he should not, however, define the offices, but make merely a general proposition; the number of offices was a detail, and not a principle, of the measure. But this only he would say, that the precise number signified little, if none had votes, unless returned by a constituency; nor did he know one of the offices he had named in which an organ in that House was less necessary than another. He said, if they had no votes, unless they were *bonâ fide* members; for in allowing Ministers seats in that House *ex officio*, he never for a moment confounded them with the representatives of the people. He did not give them the great distinction of a representative—the right of voting. They would reap the advantages of the talents and the services of a Minister, but he did not propose to establish, as the hon. Baronet in some measure did, the dangerous precedent of allowing a man to vote on behalf of the people whom the people had not chosen. He left the Minister that which he was—an officer of the state, explaining his views and answering questions; but he did not suppose the Minister to be that which he was not, a man intrusted by the suffrage of a constituency with the power of voting, as well as advising, on matters of legislation and finance. By preserving that distinction, it would be obvious, that while they promoted the public convenience and advantage, they guarded themselves against any infringement of a popular principle. Perhaps the most convenient period to fix for a Minister's continuance would be the remainder of the Session in which he retired, and the one following; if the retirement happened during the recess of Parliament, the following Session would be sufficient. The period of his continuance was, however, a detail, and not a principle in the resolution which he offered to the House, and would, of course, require more consideration than at this moment it might be necessary to bestow upon it. They might talk of popular principles being always sure to return a Minister; but how many constituencies were there which would reject a Minister for his very regard to the three most popular cries of the day—cheap law, cheap knowledge, and cheap bread. Let a people be ever so enlightened, there were always in the world bright and luminous minds, that cast their shadows far beyond the popular sight—the science of statesmanship was, indeed, a mockery and delusion, if there were not some of its professors who went beyond the multitude in the great principles of legislation, and offended the vulgar opinion by the very energy and providence of their views. If they adopted this, or some similar measure, they would obviate the most rational objection made to the abolition of close boroughs during the debates on the Reform Bill, but in a manner free from all the evils to which the system of close boroughs was exposed. They would advance the public convenience; they would give to an administration its legitimate energy—the unfettered power of selecting the fittest Ministers. They would guard the people in great measure from the influence of local jobbing and the temptation to future corruption; they would in no degree injure a popular principle; they would remove a serious obstacle to able and united government. Let them for once legislate in time before the mischiefs they foresaw came upon them. To prevent was an easy task; to cure was a most difficult one. A recourse to shifts and expedients, to hasty patchings-up of evils that could be endured no longer, was a very common, but always an ungracious and a very unsuccessful policy. Much better in this as in all respects, with the true providence of statesmen, to legislate afar off, and so avoid that task which they now in other things perpetually and vainly attempted—namely, the administering to evils long felt either sudden remedies or temporary palliatives. With the hope that this House and the Government might be so inclined, and while the worst consequences of the present system were yet in the bud, he moved the following amendment to the Motion of the hon. Baronet:—"That for the convenience of the public service, and the promotion of the public interests, it was desirable that one Member in each of the principal departments of state should have a seat in that House, but without the privilege of voting, unless returned by the suffrages of a constituency."

Dr. *Lushington* expressed his regret, that such propositions should have been made by the two hon. Members who had just spoken. He would vote both against the Motion and the Amendment, as it was not possible to make such a Motion palatable by any Amendment whatever. The principle of both was, to deprive the people, the electors of the kingdom, of one of their most valuable constitutional privileges; and the abandonment of this constitutional privilege would be the greatest insult that could be offered to the people by the Reformed Parliament, for it would be equivalent to saying, that the electors of the empire were unfit for, and unable to fulfil, those newly-received rights and duties which had been restored to them. Would hon. Gentlemen, then, venture to say, that the electors under the provisions of the Reform Bill were not as capable of exercising their judgment in the choice of their Members as the constituencies, so to call them, of Old Sarum and the other boroughs which had been placed in schedule A. It had been urged by the hon. Member, that the privilege exercised by the people had in former times proved ineffectual. Now, however, it had acquired consistency and strength. And what was the result? Why, the moment it began to be efficacious and to produce those consequences, which it was considered desirable it should produce in former times, that moment came the hon. member for Lincoln to deprive, as far as he might, the people of England of the privilege they had of old enjoyed; and upon what principle was this?—on the principle of distrust in the people of England?—on the principle, that they were not able to judge for themselves in the choice of their representatives? The hon. member for Lincoln had, in fact, made a speech worthy of the highest Tory in the very worst of Tory times. He would say, let Government appoint whom they liked to office, but let the people decide who were fit to represent them. To what, he asked, were they indebted for this proposition—one, by the way, which could not fail to work serious injury to the constitution and to the privileges of the people? It had so happened, that a Lord of the Treasury and an Attorney-General had not succeeded in being again returned for the places which they had vacated on accepting office. He might be sorry, that the House was deprived of the benefits resulting from the diligence and talents of his hon. friend the Attorney-General; but this he could not weigh against the privileges of the people of England; and he could not consent, in order to prevent the recurrence of such inconveniences to the Administration, to sacrifice one of their most valuable privileges. He strenuously denied, that the liberal portion of the House would suffer more, as had been asserted, from the exercise of this privilege, than did the Tory Members. The great object of the Reform Bill was, he contended, to cement the union between the electors and the representatives. If a man did his duty fairly and honestly in that House, he could not fail to enjoy the perfect confidence of his constituents, and when he came again to ask for their suffrages, he would be sure to receive that to which alone he was entitled—a reception in accordance with his deserts. It did not follow, and should not follow, that because the King chose to appoint an individual to office, the people should be therefore compelled to bestow their confidence upon him. To assert such a doctrine, to put men into that House, responsible only to the Crown, speaking opinions for which they were not answerable to the people, might be cultivating the prerogative of the Crown, but it was treating with great contempt the privileges of the people. He protested against having any man in the House who was responsible only to the Crown. He for one would at all events oppose it, even if he were to stand alone.

Colonel *Davies* agreed with the hon. and learned Member who last addressed the House in expressing his strong disapprobation of the Motion originally brought forward, as one calculated to infringe the elective rights of the people. At the same time he thought it an object of the greatest importance, that the Ministers of the Crown should have *ex-officio* seats in that House, in order to explain matters and give information connected with their offices, which could otherwise only be arrived at by uncertain means. He would vote for the Amendment.

Mr. *Ward* said, that to him the speech of the hon. member for Lincoln was incomprehensible. He could not enter into the hon. Member's refinements. He was strongly opposed both to the original Motion and to the Amendment; believing, as he did, that either must weaken the connecting link which bound the people to their representatives, and tend to raise an irresponsible power in the House. This tie he had hoped was drawn closer by the Reform Bill—it was at least more valuable, and he was not prepared to abandon it because Gentlemen whose opinions he for the most part shared were in power. For the sake of their immediate convenience, he was not prepared to cast aside his old convictions, and to place in that House men who were wholly irresponsible. France and Belgium had been referred to but he was yet to learn, that they had got so much the start of us in the forms of their constitution and the arrangements of their assemblies, that we should be led to take example from the peculiar provisions of their popular institutions. He could not see why that expression of public opinion—in one, too, of its ancient and unobjectionable forms which in this country had hitherto carried everything which had been generally considered beneficial to the commonweal without force—should now be repressed; and he sincerely hoped, that both Motion and Amendment would be rejected by the House.

Mr. *Roebuck* was quite opposed to the principle, that a Member, on accepting office, should not vacate his seat in Parliament, but it did not therefore follow, that Ministers of the Crown should not have *ex-officio* seats in that House. That might be very convenient; and if the principle were to be admitted that the members of Government should hold seats in that House by virtue of their office, in order to give information upon matters connected with their several departments, he could not see why the same principle should not be extended to give them a right to sit in the other House of the Legislature, where their explanations, after having been delivered in the House of Commons, might be repeated much to the advantage and convenience of all parties. He conceived, therefore, that the Amendment was deserving of support, but thought it should have been brought forward as a substantive Motion.

Lord *Althorp*, being loudly called for, rose, and said, that he considered the question one of the greatest importance both to the House and to the nation. It had been objected to both the measures proposed, that they would have the effect of making a great change in the principles of the Constitution. The objection he had against agreeing to either proposition did not, he must admit, arise from any apprehension of that sort. There were two propositions before the House—the original Motion of the hon. member for Peterborough, which hon. Member wished to do away with the existing regulation, that a Member on accepting office under the Crown must of necessity vacate his seat; and the Amendment of the hon. member for Lincoln, who wished, that the acceptor of certain offices under the Crown should *ex officio* be entitled to a seat. It was said, that these propositions if agreed to, would be an infringement on the great principles of the Constitution; he could not say that he thought so. The Act which gave a constituency the right of expressing their opinion on their Representative's acceptance of office under the Crown, conferred, no doubt, a very valuable privilege upon the people, and one which they ought not to be deprived of, except for very strong and peculiar circumstances; but he did not think, that the deprivation would amount to any violation of constitutional principles. The regulation was adopted by Parliament as a sort of compromise in the reign of Queen Anne. It had been first proposed, that no person holding such an office should at the same time hold a seat in the House; but as it was foreseen, that this arrangement would lead to many inconveniences, the appeal to the constituents by the vacation of the seat was adopted as a sort of compromise or expedient; and on the several occasions when the expedient had been resorted to, there were very few instances of any inconvenience resulting to either the Government, the Member, or his constituency. In the proposition of the hon. Baronet, he (Lord Althorp) saw no tendency towards an infringement on the Constitution: but, in the Amendment proposed by the hon. member for Coventry, he did see an infringement of the Constitution. That hon. Member's proposition appeared to him calculated to produce a complete change in the Constitution. If he were obliged to choose between the propositions, he should adopt that of the hon. member for Peterborough; but the question was, whether the inconvenience sustained by the Government or people, was sufficient to justify any alteration at all. He thought not. The passing an Act whereby, for the future, any Member might accept office under the Crown, without being under the necessity of taking the sentiments of his constituents as to such acceptance, was depriving the latter of a very valuable privilege. On the other hand, the existence of the necessity of such an appeal had on several, though not many occasions, been an inconvenience to the Administration. An hon. Member had instanced Sir John Hobhouse, as a case in point, but this was a mistake. Sir John Hobhouse had been re-elected after his acceptation of office: he was thrown out, after having resigned his seat on a subsequent occasion, which had no reference to his acceptance of office. The case of the Attorney-General, undoubtedly, was an instance in point, for that officer had lost his seat in consequence of his acceptation of office, and his absence from the House had been felt as a great inconvenience by his Majesty's Government. During the discussion on the Reform Bill, it had been suggested to Ministers, that it would be well to introduce some regulation to this effect: it might or might not have been right to do so, but, in the circumstances under which Ministers were then placed, it was impossible to attempt it. The question now, however, was, whether the inconvenience which had been experienced by Ministers as yet, only in the single instance of the Attorney General—[*Mr. Hume:* There was a Lord of the Admiralty!] He did not consider that a case in point; but he did consider, that it was an extreme inconvenience to Government, that the Attorney General for the Crown should not have a seat in Parliament; nor was it merely an inconvenience to Government, but it was a very great injury to the public interests; and if the case were to occur often, that a member of the Government, whose presence in the House was so essential, was excluded from a seat, he should be disposed to agree, that an alteration in the law was called for as a matter of great public importance; but, as he before said, as such an inconvenience had, as yet, been only felt by the Administration in a single instance, however peculiarly hard upon them that instance was, he thought, that at present there did not exist any necessity for agreeing to the hon. Member's proposition. He was one of those who had changed his opinion on this point of members of the Government having seats in the House. There was a time when he was of opinion, that members of the Government should be excluded from the House altogether; he had changed his opinion; but this change of opinion was not induced by his accession to office, for he had altered his mind on the subject before he became a member of the Government. Hon. Members seemed to laugh; he could assure them office was no such bed of roses; he should not be particularly annoyed at the occurrence of any incident which would render it necessary for him to go out of office. But to the question. The worst effect of members of the Government not having seats in the House would be, that such an exclusion must necessarily tend to lessen their responsibility; he did not mean to say, their legal responsibility, which was great, but their positive, actual, and practical responsibility in that House, which was also very great. Sitting there night after night to propose and defend their measures, and being always liable to attacks from those who thought they did wrong, or from their political opponents, if they were not able to make a good defence for their conduct, and to answer the arguments or charges against them, the extent to which their character was liable to suffer, appeared to him the most certain and strongest practical responsibility that any man could be subject to. That responsibility, however, would be greatly diminished, if the members of Government, by being excluded from the House, were rendered incapable of explaining or defending their views and measures. It had been said, that a member of Government vacating his seat on acceptance of office need be under no apprehension of not getting into the House, after a short interval at any rate, for that there were always vacancies occurring; and if the individual did not recover his former seat, he might easily get a seat for some other place. He, however, by no means agreed in that opinion. If an hon. Member, on vacating his seat under such circumstances, were to be rejected by his present constituents, it would be somewhat more difficult than was supposed to get other constituents to adopt him. Members, when rejected under such circumstances by one set of constituents, were very likely to be kept some time altogether out of Parliament. He was ready to admit his apprehension, that, at some future time, the inconvenience complained of might become so mischievous as to require some such alteration as that proposed by the hon. member for Peterborough; and, when such a necessity arose, he should be one of the first to recommend the plan. At present, he repeated, he did not think the necessity existed, and he should, therefore, recommend the hon. Member to withdraw his Motion. The proposition of the other hon. Member (Mr. L. Bulwer) he altogether disapproved of; to send an Administration into the House, with mere liberty of speaking, but without the right of voting, would be to place the members of Government in a position equally unpleasant and degrading.

The original Motion, and the Amendment, were both withdrawn.

The Case of Baron de Bode.] Mr. *M. Hill* wished again to draw the attention of the House to the case of this nobleman, who had suffered great injustice by having his estates in Alsace, of a very large yearly value, confiscated by the French at the time of the first French Revolution. Subsequently, a large sum of money was paid over by the French government to this country, to compensate such English subjects as had suffered by the Revolution, among whom was specifically mentioned the Baron de Bode. Notwithstanding this, not a farthing had been received by that nobleman, although he (Mr. M. Hill) could incontrovertibly prove his right to the amount as a suffering British subject, and that a specific sum had been paid over by the French government for the specific object of compensating the noble Baron. The Baron de Bode was said to be not one of those persons whom the treaty intended to relieve; he should like to know on what ground such an opinion was founded. The Baron de Bode was given to understand, that there was high authority against him, viz.—the judgment pronounced by the Privy Council, in the analogous case of Drummond. The fact was, however, that the case in question was not analogous, for the claimant there was both an English subject and a French subject. The Baron de Bode was an Englishman; he was an English born subject—the son of a German father and an English mother. The hon. and learned Gentleman concluded by moving, "That a Select Committee be appointed to examine into the facts and circumstances of the claim of the Baron de Bode, upon the fund received from the French government, for indemnifying British subjects for the loss of property unduly confiscated by the French authorities."

Mr. *Ewart*, in seconding the Motion, said, he thought a case was made out for giving this matter a re-hearing. He did not approve, under ordinary circumstances, of appointing Committees for the purpose of referring legal decisions to them for revision, but he thought it better that such a course should be adopted in this case, than that it should be altogether neglected. He did not hesitate to say, that he believed the case had been unjustly decided.

The *Solicitor General* denied, that this was a trust in the hands of the Government, giving a claim to the Baron de Bode. The Act relating to all such claims gave a power of appeal from the decision of the Commissioners to the Privy Council, whose judgment was to be final. So far from the case not having received due attention, and been fully inquired into, it had run through all the modes of investigation that the Act of Parliament authorised. In 1822, a further period of ten or eleven months was given to the Baron de Bode, to procure fresh evidence to perfect his claim if he could. It could scarcely, then, be said, that he had not sufficient time, particularly when it was remembered, that the claim was launched in 1816. These facts did not, of course, preclude the House from making any grant, if it saw occasion, out of the public money; but he must say, that he considered them to conclude the question of right. He would submit to the House, whether a Committee was a proper tribunal to determine questions of law that had already received final adjudication? Unless the case was a very strong one, this alone would be an answer to the Motion. The Commissioners were charged with ignorance of the nature of the Baron de Bode's claim; but, according to a pamphlet, which he (the Solicitor

General) had the honour to receive from the Baron, and in which the case was stated on very different grounds from those on which it was rested before the adverse judgment was pronounced, it appeared, that the Baron himself was ignorant of the nature of his claim. In fact, at the time the property was ceded by the father to the Baron de Bode, in order to escape confiscation, the latter was only fourteen years of age.

Mr. *Pollock* said, they were told, that it would require a strong case to justify the appointment of the Committee. They had a strong case. For the sake of the honour of the country, if there were a surplus after paying all the claims about which there was no difficulty, and if there were any miscarriage with respect to other claims, to their liquidation ought that surplus to be applied. The Baron de Bode was a British subject, born in England, of an English mother, his father being a German; of this there was no doubt. Nor was there any doubt that the Baron de Bode was possessed of some property, which was confiscated by France. Doubtless, also, a large sum was assigned over to the British Government to liquidate the claims of British subjects on account of the confiscation. It was beyond a doubt, too, that a large balance of the sum so assigned remained unappropriated. Equally clear was it, that a Commission was appointed to give those persons who had not perfected their claims, the benefit of further time. Now, he believed, that the Baron's case had not been understood; he would even say, that in his humble judgment, it had not been correctly decided. Then there were grounds sufficient for a further inquiry. The Baron de Bode's present claim was said to be inconsistent with that which he presented to the Commission; but let the House not forget, that the Baron was a soldier not versed in technical terms. Was he not to have his claim fairly decided, because he did not understand the full meaning of the terms, "heirship" and "remainder"? He pursued his claim according to his best judgment. He presented it; told them, that he was in possession, that his property was confiscated because he was a British subject, and he claimed his share of the sum paid as indemnity. The Commissioners asked him how he was entitled? He replied, that his father ceded, and he proved the cession. Some of the documents could not be expected to be in his possession—others, which were necessary here, where we had a statute of frauds creating numberless difficulties, he was never asked for, and, therefore, did not produce. The Commissioners decided against him. He then applied to the Privy Council, who affirmed the judgment, because he did not prove, that his father ceded the estate to him according to our notions of legal propriety. The Commissioners appeared to consider, that the Baron de Bode had not any interest in the property at all. The fact was, the Baron had a claim to the whole of his father's property, but of that the Commissioners took no account. The Commissioners purported to act on the deed to which the objection was made, and this circumstance alone was sufficient ground for granting a Committee of the House. The deed was drawn up by an attorney, on the instruction of the Baron, who was at that time ignorant of the English language. It was, therefore, proper to try, whether an unintentional, though gross injustice, had not been done in the case; and it would become that House, if such were the case, not to sanction it. The House was not asked to come to a decision on the case. The Motion was merely one for inquiry, and this, he trusted, hon. Members, taking into consideration all the circumstances of the case, would not refuse.

Mr. *Littleton* said, that, having originally introduced this matter to the House some years since, he must declare that he still entertained the same impressions on this case which he then did. There might be, perhaps, some question as to the grounds upon which the Baron's original claims was attempted to be established, but he apprehended there could not be a question in respect to his reversionary claim; and, indeed, he (Mr. Littleton) had never heard any argument brought forward which could go to remove the opinion which he had entertained in the first instance upon this ground. He had felt an interest in the case from the fact of the Baron de Bode's family, on the mother's side, being one of the oldest and most respectable in Staffordshire. He knew, that the Baron had suffered much from pecuniary wants — that his family were residing in Russia—that he had experienced great misfortunes, and that he had followed this claim up with great perseverance and propriety. He sincerely hoped that the Baron having in vain attempted to obtain a re-hearing of his case by the Privy Council, and having at last addressed himself to the only tribunal—namely, that of the House of Commons, that no difficulty would be raised in allowing him to bring his case before a Committee. If, indeed, there was any validity in the opinion of Sir Launcelot Shadwell, and many other eminent authorities, he doubted not that that Committee would assist the Baron de Bode in the attainment of his object. The right hon. Gentleman concluded by saying, that he thought it right again to state, that he still retained entire and unaltered the impressions which he had first imbibed.

Lord *Althorp* was understood to say, that a certain time had been given to persons claiming upon the fund—that the Baron de Bode had put in his claim, and had been heard before the commission appointed for appropriating the fund, which commission decided against him. It appeared the Baron complained that he had not been able to put his claim in its strongest light, and that therefore the decision was unjust; but surely from 1816, the period at which he first claimed, to 1822, he had full time to make out his case. It was urged, that the Baron being a soldier, and unacquained with the forms of law, should not be tied down to the technicalities of legal proof. He (Lord Althorp) did not think this a doctrine which should be acceded to. If, through the negligence of legal advisers, or any other cause, the proper forms were not adopted, the person so failing (no matter what his profession) should suffer the same consequences as others. He certainly should not accede to this principle, nor yield to the granting a Committee on these grounds, more especially as the case had been already decided by a sufficient tribunal.

Mr. *Hume*, before the sense of the House was taken on it, begged leave to ask one question of the noble Lord (Lord Althorp). Before doing so, he would premise, that no lapse of time ought to interfere with the justice of the claim. He would ask the noble Lord, if other claims which had been shut out on the score of time had not been afterwards admitted? If then other cases had been admitted, was it not very hard that this, which was *primâ facie* so well founded, should be shut out from inquiry? The House should bear in mind, that it was inquiry, not decision, which was called for in this case, which was one where, the ordinary tribunals having failed in doing justice, an appeal was made to them. His (Mr. Hume's) only anxiety in speaking for the Committee was to ascertain the truth.

Lord *Althorp*, having been asked the question, would only remark that there was a distinction between the cases. A certain period had been fixed for putting in the claims on this fund, and within the prescribed period the Baron had applied. His claim had been heard and adjudicated. The others had not applied, being ignorant of the limits as to time, and the allowance was therefore made.

The Motion was agreed to, and the Committee appointed.

EDUCATION (IRELAND).] Mr. *Barron* rose to bring forward his Motion with regard to Education in Ireland. He was desirous of inducing the Commissioners to follow up a more liberal scheme than their now narrow means would permit. The means for effecting this would be found in the tithes in Ireland. The contrast between Ireland and America with regard to national education would best exhibit the deficiency of the former country. The number of persons going to school in America was one in four; in Norway and Sweden one in five; in the Netherlands one in five; Switzerland one in eight; in the Southern part of Germany one in four; whilst in Ireland it was but one in forty. This was a lamentable state of things, and to this were owing many of the misfortunes by which the country was afflicted. In every country where education was neglected, in the degree of that neglect was the debasement, the brutality, and almost the savageness of the country. It was from the want of such education, that the government of Ireland was found so difficult, and the greatest advantage would result from the establishment of national schools in that country, to which all those who availed themselves of them should pay in proportion to their means. To equalize her with the growing intelligence of Europe, Ireland would want 3,500 schools; whilst, in fact, several parishes, varying in population from 7,000 to 10,000, were without any schools. To furnish the necessary degree of education, a sum much more than Parliament could grant would be requisite; but by his plan a single shilling would not be required from Parliament. It was well known, that those who received the tithes were bound by an act of Parliament, at this moment in existence, namely, the 28th Henry 8th, to keep schools; and, on their induction to their parishes, they were bound by oath to act in conformity with this Act. The schools were established to teach English, under penalties of, for the first offence 6*s.* 8*d.*; for the second, 20*s.*; and for the third, the penalty was forfeiture of the benefice. Now, without interfering with any Parliamentary grants, the money could be thus raised:—There were 747 parishes, in which were no churches; there were 150 benefices, in which no service had been performed for three years past: these would amply supply more than the sum required; nor would it be in contradiction to the original intention with which these appointments were made, that those who held them should undertake the education of the people. The money would thus revert to its legitimate purpose, and law, justice, and the interests of the people, called upon the clergy to make the sacrifice. Now, an average of 20*l.* on every parish, according to its size, would leave 4,800*l.* per annum, and this would be fully adequate to the purpose. This plan proposed to invest the powers of governing this fund in the same Commissioners who now existed, authorizing them to borrow, if they thought fit, such sums as might be necessary for the first, which, of course, would be the greatest outlay. Thus the people would receive education out of funds clearly their own, their right to which had never been disputed, and of which they had never been deprived by Act of Parliament. Thus a saving of 44,500*l.*, the sum now granted for the purpose, would be made to the country. On the advantages of education it would be unnecessary for him to dilate: Spain, Portugal, and Russia, put in comparison with the United States of America, best evinced its advantages. He would not trespass longer upon the House to press a subject sanctioned by such authorities as Dr. Chalmers, Dr. Doyle, Dr. Bell, and though last not least, Lord Brougham. He would therefore move, 'That a Select Committee be appointed to 'devise means for extending the present 'system of education in Ireland, by 'establishing one or more national schools 'in every parish, and a model or normal 'school in each province of that country, 'without any grant from Parliament. '1. And therein to inquire whether, in 'the first place, sufficient funds may not 'be derived from the ecclesiastical tithes 'in Ireland, without injury to religion, to 'provide for the education of the poor; 'and, 2ndly, whether such appropriation 'of a part of this property would be in 'accordance with the ancient usage, accompanying its possession, and with 'several Acts of the Legislature.'

Mr. *Richards* seconded the Motion. He agreed with his hon. friend, that the revenues of the Church could not be more beneficially applied, nor in a manner more consistent with the objects for the promotion of which they were originally bestowed. He could only attribute the thinness of the House on such a question to the confidence which he supposed was felt by hon. Members in the anxiety of Ministers to support any measure calculated to improve the condition of Ireland.

Mr. *Littleton* thought, that the absence of those hon. Members who usually took great interest in all subjects affecting the welfare of Ireland might be taken as a sufficient indication, that they did not think such a measure expedient at the present time, or at least in its present shape. He was the last man not to admit the great advantages which a liberal system of public education would confer on Ireland; nor was there any question which he would support with greater spirit or with greater zeal, than the system of national education in Ireland, introduced by his right hon. friend near him (Mr. Stanley), which already had exercised a most powerful and beneficial influence in that country. 140,000 children were now educated in these schools, and he believed, that the steps already taken were only preparatory to more extended measures for the diffusion of its advantages. He did not wish to call on the House to give any opinion on the question. He thought it could be more advantageously discussed to-morrow, when the grant to the Irish Education Commission would be proposed; and he believed that, under all circumstances, he should best consult the feeling of the House by moving the previous question.

Mr. *Feargus O'Connor* said, the absence of Irish Members might be accounted for by the fact, that the hon. Member's

Motion was impracticable, and could not be carried into effect. The Motion was premature. The hon. member for Waterford had better have waited till the Government grant was proposed. He should therefore vote against the Motion.

Mr. *Barron* attributed the absence of Irish Members on his Motion to a very different cause. It was because he voted only for men when he thought them right, and against them when he thought them wrong. It was because he would not suffer himself to be influenced by factious motives. Whenever, therefore, he came there to fight even in the same cause for which they fought, he was not supported by them, because he would not belong to their faction. Not wishing to run counter to the sense of the House, he would withdraw his Motion.

Motion withdrawn.

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HOUSE OF LORDS,

Friday, May 2, 1834.

MINUTES.] Petitions presented. By Earl FITZWILLIAM, from Kirkaldy, for applying the Ecclesiastical Revenues to Purposes purely National; from the Hand-Loom Weavers of Ayr, and two other Places, for a Board of Trade, and for Relief; from Airdrie, against the Ministers of Churches (Scotland) Bill; from several Places, for the Repeal of the Duties on Malt and Hops; from a Parish in Dewsbury, for Protection to the Established Church; from a Number of Places; and by the Marquess of LANSDOWN, from a Number of Places, for Relief to the Dissenters.—By the same, by the Marquess of LANSDOWN, the Earl of RADNOR and Lord BEXLEY, from several Places,—for the Better Observance of the Sabbath.

CORN-LAWS.] Earl *Fitzwilliam* presented a Petition from Perth, praying for the Repeal of the Corn-laws. In the justice and propriety of the prayer of the petition he entirely concurred.

The Earl of *Malmesbury* said, that from the language used in this and similar petitions, one would be led to think, that no restriction was placed on the importation of anything except corn; than which it was impossible to conceive a more absurd notion. This he could prove in five words. What, he would ask, were the duties on foreign shoes, on foreign clothes, on foreign hats, and on many other articles, which were quite as much necessaries of life as articles of food. If those who opposed the Corn-laws would go to the full length of their arguments, and call for a Repeal of Duty on every article that might be deemed a necessary of life, then he, for one, would say, that there was some appearance of reason in their demand; but that he knew, and so did they, to be perfectly impracticable.

Earl *Fitzwilliam* said, his noble friend had observed, that the petitioners had no right to complain. [" *No, no!*" *from the Earl of Malmesbury.*] Well, that was the inference to be drawn from his noble friend's speech, His noble friend said, that there would be some reason for complaint on the part of the petitioners, if other articles were not taxed on importation as well as corn; that it was erroneous to assert, that corn was the only article taxed, when a duty was imposed on shoes, hats, and other articles, when imported into this country. Such certainly was the fact. But to what extent were those articles taxed? They paid a duty of about thirty per cent. And what was the amount of the tax on corn? It was full 100 per cent. Let his noble friend go to Dantzic, and ascertain the price of corn there—let him then return to London, and inquire of the Board of Trade, what the duty payable on the importation of corn amounts to, and he would find that, at the present moment, the duty was greater here than the price of corn on the continent; and whatever might be said to the contrary, corn was emphatically the prime necessary of life, and should, on that account, sooner than any other article, be freed from restrictions on importation. The existing laws did nothing for the farmer, when, through the bounty of Providence, corn was cheap; but when a scarcity existed, they operated to aggravate an evil which it was the duty of every wise Legislature to alleviate by every means in their power. He admitted, that the alteration made in the Corn-laws was, to a certain extent, beneficial, because it tended to bring prices to a lower and more certain level; but when the landlords declared, that the effects of the altered law would be to keep corn at 64*s.* the quarter, they had deluded their tenants. That was the real cause, and the true history of the pressure under which the agricultural interest now laboured. The farmer had been induced to offer higher rents than he was afterwards able to realise. The Corn-laws were, in fact, as mischievous to the farmer as to any other class of people. He had, however, such confidence in the force of truth, when pressed on even the most unwilling auditors, that he was convinced, though they might not in the present Session, repeal those laws, yet that they would be ultimately repealed. He did not believe, that any man in his senses could suppose, that the present system would, ten years hence, continue to form part of the law of England. Truth might be opposed for a time; but, in the end, he was perfectly satisfied, that it would prevail; and if there were anything that he looked forward to more than another, in the confident expectation of its speedy occurrence, it was this—that they would have, in the course of a very few years, a free trade in corn. He did not mean a free trade without any duty whatever, because he conceived that corn, like any other commodity, was a fair object of revenue. But he was quite sure, that the duty would be levied, not as now, for the purpose of what was called protection, but merely as a matter of revenue.

The Earl of *Malmesbury* contended, that the articles which he had mentioned were as much necessaries of life as corn. He was not in the habit of laying wagers; but to show that they were essential necessaries of life to which he had alluded, he would place his noble friend in Palace-yard *in puris naturalibus*, letting him have as much food as he pleased, while he, without refreshment, but well clothed, would sit down beside him, and he fancied, that he would be able to endure the inclemency of the weather longer than his noble friend.

The Duke of *Wellington* had not intended to have said a word on this occasion, for he conceived, that it was very inconvenient to introduce a discussion of this kind without notice, if it had not been for certain expressions which had fallen from the noble Earl. One of these was, that the landlords had deluded their tenants when the last alteration of the Corn-laws was effected, by informing them, that the Bill then introduced was framed so as to keep corn at a certain high price. Such a declaration was never made by any person during the consideration of that subject. The landlords could not, therefore, have deluded their tenants, either on that or on the former occasion, since no one had affected to say, that the consequence of the measures introduced would be to keep up the price of corn. The noble Lord said, that corn was taxed 100 per cent, and that if they went to Dantzic, they would find, that the duty here was greater than the price of corn there. If that were so, how, he would ask, could the farmer maintain anything like competition, if the duty were only twenty-five per cent?

Earl *Fitzwilliam* agreed with the noble Duke, that it was inconvenient to discuss a subject of this nature without notice; but he certainly would, at a future day, of which due notice should be given, bring the question under their Lordships' consideration. He intended to have presented the petition intrusted to his care *sub silentio*, if the noble Earl opposite had not made some observations on the subject; but when one noble Lord stood up and made a long speech, it was not surprising that another noble Lord should make an equally long one in reply.

The Petition laid on the Table.

Earl *Fitzwilliam*, in presenting a petition from Greenock against all duties on corn, took occasion to refer to the Corn-bill of 1815, which, he said, had been represented to the farmers as calculated to keep up the price of wheat at 80*s*.—a fact which he supposed his noble friend, the keeper of the Privy Seal must recollect, while the Bill of 1821 and 1822 would, it was supposed, sustain the price of wheat at 64*s*. In neither instance had this expectation been realized, although it had tended to raise rents very much. It was thus that the tenants were deluded, and to this the agricultural distress complained of was to be attributed.

The Earl of *Ripon* certainly had a recollection of the Bill of 1815, but that recollection was entirely at variance with the recollection of his noble friend. He had always acted in a manner directly contrary to that which his noble friend had ascribed to him. He at the time stated distinctly the grounds on which Ministers deemed it advisable to submit the Corn-bill to Parliament. So far from declaring, that the effect of the Bill would be to fix the price of corn permanently at 80*s*., it was stated, that 60*s*. would be the *maximum* not the *minimum* price. That was the fact; and, therefore, it could not be said, that Parliament had deluded the farmer, by telling him, that the Bill would keep up corn at 80*s*. His noble friend had referred to the supposed interest which the landlord had with respect to the Corn-laws, in a manner which he must always regret, because he thought that his noble friend's assertion was not correct. His noble friend said, that truth must prevail, and that, ten years hence, those laws would not be in existence. Now, he wished truth to prevail as much as his noble friend did; and if the Corn-laws produced all the mischiefs which his noble friend attributed to them, he would readily consent to their being altered. But he could not consent to alter those laws on such grounds as the noble Lord had stated. He could not look upon this as a Landlords' Bill, imposed by them on the community at large, for the purpose of serving themselves. That, he contended, was a delusion. If such a sentiment were applied to legislation in general, it would render all laws so unpopular, that they would not be obeyed by the community.

Earl *Fitzwilliam* said, he did think, notwithstanding what had been stated, that the landlord was the only person who had an interest in this law, and that was, in fact, small in comparison with the value which he placed on it. The tenant, he maintained, had no interest whatever in it.

Petition laid on the Table.

ECCLESIASTICAL COMMISSION.] The Bishop of Chichester presented a Petition from inhabitants of Chichester, praying the Ecclesiastical Corporations might grant land for a perpetual ground-rent, instead of fines on the renewal of leases.

The Bishop of *London* took that opportunity of saying a few words upon that subject. The members of that commission had been very actively employed; but they had found, that the labours they had undertaken were very heavy and very difficult. When it was considered that they had to communicate by letter with nearly 11,000 incumbents respecting the nature and extent of their ecclesiastical property, their Lordships must see the difficulty of procuring the required information in a short period of time was such as in itself to amount to a sufficient excuse for some delay in making the returns. It was extremely difficult, too, so to frame the question, as not to be liable to misunderstanding, which had made it in many cases necessary to have two or three communications before it was possible to obtain the particulars which were not included in the first return. He was happy to say, that the returns were now nearly complete, and to be able to add, that the Commissioners met with scarcely any refusal on the part of any ecclesiastical person, to give them the information they desired. They had made up the account of the aggregate incomes of the incumbents, and he hoped, that the tabular statements would soon be ready; but he believed, that their Lordships would agree with him, that when so great a question was afloat, and the public mind was so agitated upon that question, it was better to put up with a little delay than to make a return which might be afterwards found to be insufficient.

The Duke of *Richmond* said, the prayer of the petition was, that their Lordships would take into their consideration the laws affecting the lands now belonging to the Dean and Chapter of Chichester; that these lands surrounded that city; and that it was very desirable that opportunity should be afforded for building upon them; and if the Dean and Chapter were empowered to let them out for that purpose, it would lead to a great improvement of the city.

Petition to lie on the Table.

THE MARQUESS OF ANGLESEY'S LETTER.] The Earl of *Winchilsea* felt, that he should not be acting with that courtesy towards the noble Earl at the head of his Majesty's Government which that noble Earl deserved, and which he begged to assure the noble Earl, with perfect sincerity, he individually entertained for him, on account of the consistency of his public life, although he differed from him warmly upon many questions—he felt that he should not act with proper courtesy to the noble Earl if he allowed what had lately appeared in public in connexion with his name to pass without affording him an opportunity to give an explanation to their Lordships. The matter to which he alluded was a statement made in the other House of Parliament to the effect, that a letter had been written to the noble Earl by a noble Marquess holding the office of Lord-lieutenant of Ireland, recommending the abolition and destruction of the Church Establishment in that country. He thought it right and courteous to the noble Earl to give him an opportunity of stating that he had not received such a letter. If the noble Earl should call upon him (the Earl of Winchilsea) to say, in the first instance, whether he believed that such a letter had ever been written to him, he should honestly avow, that he did not believe it possible. Although there had been many acts in the official conduct of the noble Marquess in question from which he dissented, yet he did not believe the noble Marquess capable of writing such a letter. But, if the noble Marquess had written such a letter, he was sure the noble Earl had not given it the slightest attention. He believed, the letter which had been sent forth to the world through the public prints, in consequence of what had occurred in the other House, to be a gross fabrication of that party of agitators in Ireland, whose object was to make the Protestant party in that country dissatisfied and distrustful of his Majesty's Government, in order the more effectually to effect their own traitorous projects of separation. Having succeeded in organizing the Catholics, they thought they had now only to stir up the Protestants to hostility to the Government to succeed in their objects; and they sought to do this by disseminating, that the Government were preparing to subvert the Established Church in that country. No one who had noticed the noble Earl's frequent declaration of attachment to the Established Church, could for one moment believe, that he was capable of lending himself to such a plan. If he had wanted a proof of the noble Earl's sincerity upon that point, he should have found it in the answer he lately gave to the body of Dissenters who had waited upon him, wherein he warned them, that if they persevered in the course they were pursuing, they would give just ground of suspicion that they entertained the expectations which their enemies imputed to them. No one act of the noble Earl's Administration had diffused more general satisfaction than that. He (the Earl of Winchilsea) thanked the noble Earl for his firmness upon that occasion. He hoped the noble Earl would not think him wanting in courtesy in the course he had taken. The statement which had gone forth had been made, he firmly believed, for the most mischievous and dangerous purposes, to further the ends of a party hostile to the interests of both countries. If that statement should be allowed to remain unanswered, it would be productive of great pain to the friends of the Church.

Earl *Grey* certainly had not to complain of any want of courtesy on the part of the noble Earl in the course which he had pursued, seeing that he had given him notice of his intention; but he must express his surprise, after the flattering manner in which the noble Earl had spoken of him, and after what had passed no longer ago than yesterday in another place, that the noble Earl should have thought it necessary to put this question. The noble Earl had stated, that a letter had been referred to in the other House of Parliament which, if true, would have shown that a proposal had been made by the noble individual who lately occupied the important situation of Lord-lieutenant of Ireland which recommended, to use the noble Earl's own words, nothing short of the abolition and destruction of the Established Church in that country. The noble Earl had given him credit for sincerity in the professions which he had made of his anxiety to support the Church, and his resolution and determination to maintain it inviolate. Giving him that credit, he thought the noble Earl, without any answer from him, might have concluded that no such proposition could have been made to him from any one holding a high and important situation in the State, without immediately causing a separation between that individual and himself. He had, however, no hesitation in stating, that no proposition recommending the abolition and destruction of the Established Church in Ireland had been made to him; and he was sure, that no such proposition was made to any other person by the noble Marquess who was lately at the head of his Majesty's Government in Ireland. He must, however, at the same time admit that a letter was written to him of the date stated in another place, a letter perfectly consistent with the duty of the noble person referred to, pointing out to him (Earl Grey), for communication to the Cabinet, the views which that noble person had adopted with respect to the situation of Ireland, and pointing out what appeared to him to be the best means of removing those evils under which that unhappy country had so long suffered. That letter, he must observe, was of the most confidential nature. When it was referred to in another place, no intimation was given of the time at which it was written. His noble friend (Lord Althorp) after that statement had been made, questioned him (Earl Grey) as to his recollection of such a letter having been addressed to him. His answer was, that with respect to the particular expressions to which his noble friend referred, he had no recollection of them. Some difficulty was experienced in ascertaining whether any letter had been written; but the date having been ascertained, reference was made to the voluminous correspondence which he had with the noble Marquess while he was Lord-lieutenant of Ireland, and a letter—that to which he supposed allusion had been made—was found. Now that letter was one which he thought it was the duty of the noble Marquess to write; because in that communication he stated his views of questions concerning Ireland which were then under the consideration of his Majesty's Government. But, he repeated, it was a letter strictly and entirely confidential, to be communicated only to his Majesty's Ministers, and which had reference solely to the momentous questions which were then under their consideration. Having stated this, he thought he had stated enough to show to their Lordships, that it was a letter to which no public reference could fairly be made; and he would add, that it could only have been produced to the public by a most foul and scandalous violation of confidence. It was not for him to state how the person getting possession of such a letter, the character of which was most evidently confidential, could satisfy himself as to the propriety of making it public. Speaking of his own notions of the obligations of honour, he should say that, if a letter came into his possession bearing the character, as that letter did, of a confidential communication, he should have thought himself precluded from making use of it, unless he had the sanction of the individual by whom it was written, or of him to whom it was addressed. But when he said this, let not the House suppose, that there was anything in that letter discreditable to the noble Marquess. It was a letter which ought not to have been publicly produced, because it was furnished to assist deliberations in the Cabinet, which led to measures that were afterwards brought before Parliament; and whether those measures went further, or fell short of the advice given in that communication, was a matter of no importance. They all knew that men's opinions were frequently altered and modified before they agreed on settled and specific plans of policy. He should say, that, whether the measures that had been brought forward went further or fell short of the advice that had been given, was not a matter of interest to the public. It was enough to say, that the measures which Government had afterwards proposed had received the sanction of the Legislature. He knew very well, that of those measures the noble Earl entertained an opinion very different from his. All he would say was, that these measures were framed and brought forward in a spirit of sincerity and truth. They were not intended for the abolition and destruction of the Established Church; — no; they were adopted as the best means for protecting and supporting that Establishment, which he was sure all of their Lordships wished to preserve. It was not necessary for him to say more. He was certain, that their Lordships would not countenance a precedent so inconvenient,—he would say, so dangerous,—to any set of Ministers, as to sanction the production of documents which were only intended for deliberation in the Cabinet, pending the introduction of measures before the Legislature. He called on their Lordships to judge of Ministers by their actions and measures alone; and he was sure, that the noble Earl, acting upon the principle of candour and fairness which he had professed, would agree with him in saying, that such a question as this could never have arisen unless the most dishonourable conduct had been pursued,—unless the grossest breach of faith had been perpetrated in some quarter or another. That the noble Marquess, to whom reference had been made, had written a letter—a confidential letter—was true, but that that communication had been disclosed by him to another party nobody would, for a moment, believe. The information alluded to must have been obtained by the foulest and most treacherous abuse of public confidence of which any example could by possibility be found. He could not sit down without again stating how utterly at variance with every notion and principle of honour he should hold, in the execution of his private duty, or his public duty in that House, the introduction, for any purpose whatever, of a confidential communication.

The Earl of *Winchilsea* said, he agreed with the noble Earl entirely in his opinion, that the publication of this letter was a most treacherous act. He, however, had only done his duty; and he felt gratified in giving the noble Earl an opportunity of making so satisfactory an explanation.

MUSICAL FESTIVAL—WESTMINSTER ABBEY.] The Duke of *Newcastle* said, that, in pursuance of the notice he had given, he called the attention of their Lordships to the proposed plan of holding a certain Musical Festival — in other words, of having a Musical Performance —in Westminster Abbey. He assured their Lordships, that he did not bring the subject under their consideration from any feeling of puritanism, but because he thought that the course intended to be pursued was most improper; nor should he have brought it under their consideration, had he not thought them the guardians of the best interests of the community, and consequently of the Church. He, therefore, considered it his duty to call their attention to the subject. He did not think that the performance of music, merely because it was sacred music, was any reason for justifying it. Nor did he think that the object of that performance made much difference in the matter. The fact that a charity was to be benefited did not change his objections to the thing. He knew it was said, that the object of this performance was to aid a charity; but he was not sure that that was the fact, for he had heard, that the funds were to go to a body of musicians, but he had not heard that they were to be given to any great charity, or to any churches or chapels. He knew it would be said, that the example of George 3rd was against him on this subject; and he knew that, in differing from George 3rd, he might be thought to take too much upon himself. But, with the greatest respect for that pious Monarch, he had great doubts upon the subject. One decided objection he had to it, which was, that the preparations for this Festival were the means of abridging the performance of Divine Service for the people. He must add, that, to him, it seemed a dangerous thing to weaken that impression which the sacredness of an edifice, consecrated to religious uses, had upon the mind. Why, then, should they desecrate those holy places by familiarizing the mind to associate with them the pleasures and vain pursuits of this life? The whole measure was ill-advised, and was calculated to do great injury to religion. He had heard, indeed, that the design was not approved of by the Dean and Chapter, and that it was at one time contemplated to hold the meeting in Westminster Hall. What good reason could be assigned against such an arrangement? Or, if the Hall were not suitable, might not other places be selected without doing violence to the consciences of those who regarded such performances in churches as acts of desecration, and as having a direct tendency to destroy the influence of religious impressions on the minds of the people? The Bishops, too, as he had been informed, were against the scheme, and had represented their dissent in a high quarter. Churches, by the consecration service, were to be separated from all profane and common uses, and set apart in a solemn manner for the performance of the several offices of religious worship; and, in a beautiful prayer, it is entreated "that the Almighty will consecrate the place to the honour of his great name, separating it from henceforth from all unhallowed, ordinary, and common uses, and dedicating it to his service." A church was desecrated when it was used for other than the purposes of Divine Worship. He would conclude by quoting Divine authority, and referred their Lordships to the well-known act of our Saviour, when he entered the temple, and finding them that sold doves, and sheep, and oxen, and the changers of money sitting:—He overthrew the tables, and drove them out that sold in the temple, and told them that his Father's house was a house of prayer, but that they had made it a house of merchandise. He anxiously hoped, then, that the desecration might yet be prevented; and it was to obtain this result, that he had called their Lordships' attention to the subject. Without submitting any specific motion upon it, he must leave it to the judgment of their Lordships to deal with this matter as they thought fit.

The Earl of *Malmesbury* hoped, as he had said a few words when this subject was, on a former occasion, before their Lordships, that he might be allowed again to refer to it. He did not see, that the ceremony, to which the noble Duke alluded, could be considered as a desecration of the Abbey. There were matters of which it would be proper to complain,—he meant the use of Churches for purposes of a very different kind; and he did think, that they were desecrated by being made the scenes of parish broils. He must say, that the plan now proposed was sanctioned by the example of his most gracious Sovereign George 3rd. His

Majesty lived in very stormy times; and he did not believe, that we were more strict or rigid, with regard to religion, now than at that time. Indeed, he did not wish that we should be, for we might go from one extreme to the other, as was generally the case. His noble friend was mistaken in supposing, that the object of this Festival was not a charitable object. It was to support the Royal Society of Musicians. He believed that to be so; if he were wrong, he could be corrected, for he believed, that the noble and learned Lord on the Woolsack was a member of the Committee. Their Lordships must all of them be acquainted with similar festivals in their respective counties. He remembered, many years ago, a musical meeting in Salisbury Cathedral, and similar meetings had taken place in those of York, and Worcester, and other places, on a great many different occasions. These meetings always took place under the authority of the Diocesan, and were generally for the benefit of the County Hospital; and under these circumstances, justified as this festival was by so many precedents, he trusted, that the noble Duke would change his view of the matter. He could assure the noble Duke, that, if he thought Divine Service would be impeded by it, he should object to the festival; but he had inquired, and he found that that was not the case. He hoped that the noble Duke would be satisfied with what he had said, and that the directors of the festival would take notice of the observations that had been made, and would see, that no impediment was offered by the arrangement, to the performance of Divine Service.

The Bishop of *London* said, that if the noble Earl who had just sat down had not entered so largely into the merits of the matter, he should have remained silent; but he now begged leave to say one or two sentences, feeling, as he did, that if he remained silent, he should be compromising his own sincerity if he did not state, that he conscientiously approved of the objections of the noble Duke, upon a very clear and distinct ground,—not those which had been supposed in the public papers, in which his motives and opinions had been misrepresented. He had objections to these and similar festivals, because he did not think it right that places solemnly consecrated to the worship of God should be afterwards used for any other purpose whatsoever.

The Duke of *Cumberland* said, that he should have been the last person in the world to refuse his support to the noble Duke, if he did not conscientiously feel, that there was little or no ground for his objections to this festival. He was sure that no man more conscientiously than his revered father, whom he should ever lament, supported the Church, or had a greater regard for its sacredness, but he had approved of a festival of this sort. The festival now proposed was intended for the benefit of a charity,—a charity which, he was sorry to say, was now in danger from a deficiency of funds. He had inquired into the matter of the impediments offered to Divine Service, and he had been informed, that no impediments would occur, and that the only change was, that some parts of the service must, for a short time, be performed in different parts of the Church. Whenever, in the course of the week, Divine Service was required to be celebrated, the men withdrew from their work. He repeated, that he should be the last person in the world to sanction anything that could, in the slightest respect, interfere with the interests of the Established Church of this country; and he was sure, that he could not be injuring the interests of the Church in supporting that which had been approved of by his father and by Bishop Porteous.

The *Lord Chancellor* did not rise to prolong, beyond a single sentence, this discussion, the introduction of which he lamented. He had the honour to be a Vice-President, or one of the Stewards of the festival, and he wholly approved of the object of it, which was that of pure charity, for an unfortunate, but very deserving body of men. It was a matter of which he approved, whether connected with religion or not,—as not connected with religion, music tended to the innocent recreation of men, and was calculated to humanize and soften them, and therefore ought to be encouraged by all wise Legislators; but, with respect to religion, he and other Episcopalians thought, that music of a certain kind could not be improper as connected with the subject of religion, when the object in view was charitable. When he was asked to become one of the officers of this festival, which was patronized by her most gracious Majesty, he felt, that he could not refuse; and he should do his best to do his duty

As to the right reverend Prelate who had just addressed their Lordships, a more inoffensive or more liberal manner of stating his opinion, or rather his religious scruples, could not have been adopted; and nothing could be more gross than to speak of him as the right reverend Bishop said he had been spoken of, though he (the Lord Chancellor) was not aware of it, in a disrespectful manner on this subject. If he entertained the same feelings as the right reverend Prelate, he should speak in the same manner; but he did not. This was not the first time that churches had been used for these purposes; so that not to have the festival in the Abbey would be a deviation from the common course. Festivals had been held in all the other cathedrals of the kingdom, and he himself remembered having been present at two such festivals in that most magnificent of all our religious edifices, the Minster at York, in the presence, on one occasion at least, of that most venerable person, the primate of England, the Archbishop of York. On the earliest of these occasions, in 1823, he could certainly speak to the presence of his Grace, and to his Grace's approval of the manner in which the festival was conducted; and he recollected that, when an attempt at applause had been made, his Grace, in the most mild and dignified manner, said, that that was not the place in which such things should be done; and from that time nothing more had taken place in the way of applause or disapprobation, than if it had been Divine Service on a Sunday. There had been festivals in Westminster Abbey on three occasions previous to this. In the years 1783, 1789, and 1791, and those under the reign of a Sovereign, who, if ever there was one disposed to uphold to the utmost of his power the religion of the country, and to testify his belief in it, George 3rd was that Sovereign. He hoped that, under these circumstances, the noble Duke would not think of proceeding further with this matter.

The conversation was dropped.

HOUSE OF COMMONS,
Friday, May 2, 1834.

MINUTES.] Bill. Read a first time:—Administration of Justice in Boroughs.

Petitions presented. By Messrs. HENRY GRATTAN, FINN, and FITZGERALD, from a great Number of Places,—for the Abolition of Tithes.—By Mr. BELL, from a Number of Places,—for the Better Observance of the Sabbath.—By Mr. GOULBURN, from the University of Cambridge, against the Admission of Dissenters to the Honours of that University; and from Tetworth, against granting any of the Claims of the Dissenters.—By Sir RICHARD SIMEON, from the Clergy of the Isle of Wight, against the Dissenters Marriages Bill.—By Mr. FIELDEN, from the Hand-Loom Weavers of Manchester, &c., for Relief; from Huddersfield; and a Number of other Places, for a Mitigation of the Sentence of the Dorchester Labourers.—By Messrs. BROTHERTON, FIELDEN, GORING, GASKELL, and DAWSON, from a Number of Places,—for Relief to the Dissenters; and by Mr. BROTHERTON, from Places, for the Abolition of all Church Rates.—By Mr. Serjeant SPANKIE, from Islington, in favour of the Lord's Day Observance Bill.—By Mr. BELL, from the North Riding of York, for Relief from County Rates; and from the Grand Jury of Northumberland, against the General Register Bill.—By Mr. ROTCH, from several Places, against Trades' Union.—By Mr. BROTHERTON, from Salford, for Abolishing the Fee charged by the Magistrates Clerk for the Removal of Paupers to their own Parish.

KILMAINHAM HOSPITAL.] Mr. *Shaw* presented a Petition, signed by nearly 5,000 inhabitants of the city of Dublin and its vicinity, against the abolition of Kilmainham Hospital. He implored Ministers not to make any further reductions of this nature in the national establishments of Ireland. The hospital was an ornament to Dublin. It was established by Charles 2nd, and had been supported out of the pay of the soldiers. He trusted, that Ministers would not carry their intentions into effect, for the various reductions which had been recently made were producing much distress and discontent in Ireland.

Colonel *Conolly* supported the prayer of the petition, and, though favourable to economy, thought that there was a point at which it ought to stop.

Mr. *H. Grattan* regarded the proceedings about to be adopted with reference to Kilmainham Hospital, as an attempt on the part of the Government to do, through the medium of that House, what Charles 1st had done without it.

Mr. *Finn* said, the system of economy adopted in regard to Ireland only added to the expense. The whole proceedings were so managed as to be an affront to the people; and it cost immense sums to repress their dissatisfaction. The removal of the hospital was one of the things which they felt, as it would be depriving Ireland of one of her most interesting institutions.

Mr. *Ellice* said, that the proceeding complained of for reducing the establishment, was proposed by him with a view to what he conceived the principles of economy in the service, and the real interests of the army. Having submitted his views on the subject, it was for the

Government in Ireland to consider the propriety of their adoption. They concurred in the alteration, and, therefore, he had proposed it. He did not intend to say, that economy was to be taken as the strict line by which the Government was to be guided; he admitted that there were sometimes political considerations that must not be lost sight of. Whether those considerations were sufficient to set aside the more rigid principles of economy, in the present case, it would be for the House to decide, when those papers were laid upon the Table, and when his hon. friend brought forward the discussion on the measure of which he had given notice. With regard to the deductions of poundage, he would merely observe, that it was his intention to lay upon the Table of the House a communication from a commanding officer in Ireland, which would fully explain and acquaint the House with facts, that, he was sure, they were not acquainted with on the subject. It was the abuses which existed in that establishment which induced him to look more closely into the manner in which it was regulated. He was afraid, that in all establishments of this nature abuses existed. In one he found a washerwoman receiving 400*l.* or 500*l.* a-year. An inquiry was consequently instituted, and, upon that inquiry, a question arose, as to how far the establishment itself was justified. On several grounds of economy he should be able to show, that the arrangement proposed was a most beneficial one. It was not the intention of Government to take away any Charter, nor could the arrangement bear any analogy to the proceedings of Charles 1st; for, surely, no hon. Member would question the right of that House to deal with its votes of money in a way that appeared most conducive to the public good. With reference to the orphan schools for the children of soldiers and sailors, he was of opinion, they were attended with more harm than good. They were frequently, from their locality, the sources of immorality and vice. Under present circumstances, he should certainly not proceed to effect the removal of the invalids from the hospital without the fullest inquiry. In fact, it never was intended to remove any invalid without his own consent, nor was a soldier ever required to leave his country without his own concurrence.

Mr. *Goulburn* considered that a mean and paltry policy, which suffered feelings of economy to prejudice great national considerations. He cordially supported the petition.

Colonel *Perceval* was sorry to see so little attention paid to the general feeling of the people of Ireland by the Government.

Sir *Alexander Hope* could not bring himself to agree with the right hon. the Secretary at War, that the benevolent institutions of Chelsea and Kilmainham Schools were not productive of much advantage. The breaking up of those schools would violate the principles of charity, and could not be compensated by any wretched motives of economy. The destruction of Kilmainham Hospital would be attended with much personal inconvenience, and could not fail to wound the feelings of Irish pride.

Colonel *Evans* was of opinion, that the feeling of attachment which existed in Ireland towards the pensioners would prevent the Secretary at War from carrying the removal to Chelsea into effect.

Petition to lie on the Table.

IRISH CHURCH TEMPORALITIES ACT.] On the Motion of Mr. Littleton, the House went into a Committee on the Irish Church Temporalities' Act.

Mr. *Littleton* said, that the reason why he had yesterday suggested a Committee on this Act was, that certain Amendments might be introduced into it,—some to give it greater effect, others to correct errors, and a few to extend its provisions. The principal Amendment related to the Vestry-cess. It had been universally understood, that the Vestry-cess of 1833 was to be discharged by the Commissioners; in fact, that they were to pay all after the passing of the Bill. The Bill had been unexpectedly delayed, and did not receive the Royal Assent before Easter, so that the Easter Vestry-cess became due before the Commissioners were empowered. A clause ought to have been inserted, giving the measure a retrospective operation, and to remedy this omission the present proceeding was necessary. It would be remembered, that it was understood that Government was, in the first instance, to give pecuniary assistance to the Commissioners on the credit of their funds, with a view to the purposes of the Church Temporalities' Act. The charges they would have to sustain would amount this year to between 80,000*l.* and 90,000*l.*; and he apprehended, that they would be in the receipt of funds to the extent of 107,000*l.* or 108,000*l.*; but from this sum was to be deducted 45,000*l.* for expenses. The proposition he had to make was, that the Treasury should now advance the Ecclesiastical Commissioners a sum not exceeding 100,000*l.*, upon such interest as might be hereafter determined. Without entering into the details of errors which the Amendments were proposed to correct, he would state, that they would apply to the cases of suspension mentioned in the 116th Clause, and of disappropriation under the 124th Clause. With respect to the deanery of Down he had to observe, that that day there had been laid upon the Table of the House a copy of an order made by the Privy Council of Ireland. By this, the incomes severally derived from the parishes of the Union to the rectors, were altered from an average of 11*l.* a-year to an average of 455*l.* a-year. The charges of the deanery were to be defrayed from the incomes, in shares proportionable to their amount; and it was calculated, that under this new arrangement, a net income of 1,047*l.* a-year would be left to the dean. He had now to propose, that a sum not exceeding 100,000*l.*, be granted from the Consolidated Fund to the Ecclesiastical Commissioners to defray certain charges arising under the Act respecting the Church Temporalities in Ireland.

Mr. *O'Connell* said, that the Bill which the right hon. Secretary for Ireland wished to amend now, had much more substantial defects than those which he had just referred to. The House ought to know, that that Bill had given no relief whatever to the Roman Catholic Dissenters in Ireland, except to relieve them from the payment of Church-cess. The fittest way to proceed would be to repeal the Act of the last reign, the 7th of George 4th, known by the name of Goulburn's Act, and to leave the collection of Vestry-cess to the remedy of Common-law. He would, however, be contented with the repeal of the clause in the Act 7th George 4th which gave the vestry the right of maintaining any assessment against which no appeal was lodged at the original imposition, or, if that were refused him, he should move hereafter, on the introduction of a clause, that no Vestry-cess should derive any permanent force in consequence of the absence of any appeal being lodged against it. He should not trouble the Committee further now, except merely to add, that it was his intention again to try what the opinion of the House was upon the 147th Clause of the Act of last Session.

Mr. *Hume* said, he would not consent to advance one single shilling, until he ascertained what amount of funds had been received from lapsed Sees and other sources, since last year.

Mr. *Littleton:* If the hon. member for Middlesex had been in his place at the proper time, he would have heard the amount stated.

Mr. *Hume:* I was in my place, and yet did not hear it.

Mr. *Littleton:* Then I beg to inform the hon. Gentleman, that the sum received in the course of last year, from lapsed Sees and other sources, is about 30,000*l.*

Mr. *Hume* did not see why the money to be advanced should be charged on the Consolidated Fund. He feared, that if we put it on that Fund we should never see a farthing of it again. He proposed to leave out the words "Consolidated Fund," and substitute for them "the Commissioners of Exchequer Bills." He would ask the noble Lord, while he was on this subject, what measures the Government were about to bring forward to pacify Ireland. Before we advanced more money to support the Church, which, in his opinion, was the cause of all the disturbances there, we ought to think of some remedial measures. It was fit that the Church should be maintained out of the Church property, and he should therefore move, as an Amendment, that 100,000*l.* should be paid to the Ecclesiastical Commissioners of Ireland by the Commissioners of Exchequer Bills.

Lord *Althorp* said, that this money was merely in advance on the security of the Church property. He did not suppose that his hon. friend would have thought the money was to come out of the pocket of the nation. He felt with him, that the Church should maintain itself with its own property. He certainly had no objection to authorise the Commissioners of Exchequer Bills to advance the money if they had enough in hand.

Amendment agreed to, and the Resolutions were agreed to.

TITHES (IRELAND).] On the Order of the Day for the second reading of the Tithes (Ireland) Bill being read,—

Mr. *Littleton* said, that the House was aware that by the 53rd clause of the Irish Tithe Bill, it was proposed to fix a varying rate of reduction for each county or district, but he intended to propose, in lieu of this provision, that a uniform rate of reduction should be made on the payments to tithe-owners at fifteen per cent., except in cases where landlords had already taken upon themselves the payment of compositions, and, in such cases, to meet the additional costs of collections, the deductions he proposed would be 17½ per cent. The next alteration he should have to propose was, that when leases of tithes had been made to the possessors of lands, the rent reserved on such leases, or the composition, whichever was the smaller in amount, should be the measure of the Land-tax, but the incumbent lessor was to receive the amount of the rent, subject, of course, to a reasonable charge for collection; the deficiency, if any, being made good out of the funds arising from the deductions. Another provision would be, that where tithe-free lands had been subjected to composition, an arrangement should be made for the exoneration of such lands, and the principle of Lord Tenterden's Act, 2nd and 3rd William 4th., c. 100, should be extended to Ireland. The next alteration he should have to propose would be, that instead of providing an office for the receipt of voluntary payment of the Land-tax under the 29th clause, the collector of Excise should be employed for that purpose. Another alteration would be, that instead of appointing paymasters of warrants, the transactions should be managed through the instrumentality of the Bank of Ireland, if practicable. The next alteration was, that forms for all the conveyances under the Bill should be supplied by a schedule, with a view to the reduction of law expenses. The next would be, that the 62nd clause, authorising an abatement of ten per cent. on the redemption money in the case of estates much subdivided, should be struck out, and, that power should be given to the Commissioners of Woods and Forests, to direct a valuation of any individual estate for the purpose of redeeming the Land-tax. The last alteration he should have to suggest was, that powers should be given for the exchange at any time of the lands annexed to benefices. These were the alterations he proposed to make. The right hon. Gentleman concluded by moving the second reading of the Bill.

Mr. *More O'Ferrall* regretted, that the alterations which the right hon. Gentleman meant to make in this Bill could not change his opinion of its impolicy. In opposing the measure, he had no desire to throw any impediment in the way of the settlement of the tithe question; on the contrary, he was deeply anxious that that question should be brought to a satisfactory conclusion; and it was because he was convinced, that the present measure could not have that effect, that he was induced to oppose it. He thought, that tithes were public property which Parliament was bound to preserve, although all might not approve of the present appropriation. He differed from those who thought that this fund should be applied solely to the support of the Established Church; but, in the present discussion, it was necessary to distinguish between the mode of collecting the fund and its future appropriation. He would endeavour to show, that the measure now brought forward, would not succeed in rendering the collection of that fund more easy than it had been, and that it did not remove the obnoxious provisions of former Acts. It was necessary to state what the legislation had been on the subject of tithes, for the information of those Members who were not present in the late Parliament, when this subject was discussed. From the reign of Henry 8th, several Acts were passed to enforce the payment of tithe. The wealthy proprietors of grass lands were the most formidable opponents of the tithe-system to 1735, when, by a resolution of the Irish House of Commons, grass-lands became exempt from tithe. As tillage increased, the clergy levied their income almost exclusively on the cultivated lands, and the opposition which they formerly experienced from the upper classes, was then evinced by the poorer cultivator of the soil in the various illegal combinations known under the names of "Hearts of Oak," "Peep-o'-day Boys," and "Ribandmen," all of which originated in the collection of tithe. In the year 1787, the evil had grown so great, that Mr. Grattan brought the subject forward in the Irish House of Commons, by proposing a commutation of tithe; his Bill was rejected, and the evil continued to increase up to the Rebellion in 1798. In 1799, Dr. M'Nevin, a leader in the insurrection, was examined before a Committee of the Irish House of Lords, and being asked what effect would have been produced on the population if Mr. Grattan's Bill for the commutation of tithe had passed in 1787, he answered, "that it was a plan by which a most powerful engine would have been taken out of the leaders' hands." The words of Dr. M'Nevin, were true to the present hour; if tithe were now settled, a powerful engine would be taken out of the leaders' hands; if it were not done, and the present excitement should end in convulsion, you would receive the same answer in 1839. Was all experience to be lost on his Majesty's Government? Would they persevere in an obstinate career which had hitherto been the cause of much insurrection? From 1800 to 1810, disturbance continued. In that year, Sir H. Parnell moved for leave to bring in a Bill to regulate the collection of tithe, which was lost by a majority of seventy-five. In the year 1821, tithes had again produced an insurrection, and in 1823, a Bill was passed to effect compositions. The two principal features of that Bill were, first, the abolition of the law of agistment, by which grass lands had previously been exempted from the payment of tithe; and, secondly, that all tenants taking leases at and after the time of the passing of that Act, should not be liable to the payment of tithe, but that all tithe, for the future, should be deducted from the landlord's rent. That Bill came into very general operation: under its provisions, half the parishes in Ireland compounded: the tithe being extended over grass lands, afforded relief, in a certain degree, to the occupiers of tilled lands. Owing, however, to defects in the Bill, the clergymen were enabled to increase, to a very considerable extent, the amount of the demands. Under the old law, the clergy were entitled to claim one-tenth of the produce of the land; but under the Act of 1823, they acquired the extraordinary advantage of being entitled to the payment of tithe from the landlord, although the land produced neither rent nor crop. The clergy by that derived an enormous advantage; and, at the same time, it inflicted great injury upon the occupiers of grass lands, many of whom had taken leases under the Act of Agistment, which was confirmed at the Union. The Bill, however, was, for a time, well received; and continued, to all appearance, to work well up to the year 1830, when the resistance to the payment of tithe was renewed. A Committee was appointed in that year to investigate the cause of disturbance, and this remarkable fact came out before the Committee,—that the parishes in which the resistance to the payment of tithe had commenced, were the parishes which had compounded under the Act of 1823, which shewed that, what at first sight appeared to be a useful and beneficial measure, no sooner came into operation, and became generally known, than it was found more oppressive than the old law, in consequence of having given to the clergyman the power of increasing his demand, with additional powers to recover it. This was one of the great objections to the Bill of 1823, upon which the present measure was founded—therefore, if he showed, that the provisions of that Bill were bad, and that the same provisions were all adopted in the present Bill, he should prove that it could not be an efficient remedy. Another objection to the Bill of 1823 was,—that under its provisions, the amount of tithe was unequally assessed. The same inequality was enforced by this Bill, and would be made perpetual by it. He would beg leave to read an extract from a report of a Committee of the House of Lords, to show the mischief of unequal assessment:—"And even where the tithe demanded was less than was due, it has become a source of complaint, when compared with the demand of a comparatively smaller amount in an adjoining parish. Unfavourable associations are at the same time created in the minds of the occupiers upon whom the payment of tithe falls in the first instance, especially where a large majority, as is the case in the greatest part of Ireland, are not members of the Established Church."

The hon. Member then read the following:—

"*Average of Tithe in Compounded Parishes.*

"Ulster 11½d. per acre; 1-19th to 1-26th of rental.—Connaught, 10¼d. per acre; 1-20 to 1-31 of rental.—Munster, 1s. 2½d. per acre; 1-15 to 1-21 of rental.—Leinster, 1s. 7½d. per acre; 1-12th to 120th of rental.—On 14,000 acres in King's County, tithe is 5¾d. per acre; or 3½ per cent on rental.—Parish of Kellane, county of Wexford, rent 7s. 6d.; under Mr. Goulburn's Act, 2s. 6d. composition.—Parish of Corn, rent from 20s. to 40s.; tithe composition varies from 5s. to 8s.—Land in Roscommon, let at 2l.; tithe 4d. to 10d."

Government, in introducing the present measure, seemed to have lost sight of these glaring inequalities, and had continued them. Besides, they had jumbled together a number of Acts passed within a few years. He alluded more particularly to Mr. Goulburn's Act, and the Act of last Session, introduced by the right hon. Member, the Secretary to the Colonies. By the present Bill, all the evils of tithe would continue. The Bill was not indeed a Bill to levy tithes; for it set forth, that tithes were thenceforward to cease and determine; but it imposed a Land-tax which was tithe to all intents and purposes; and tithe every one considered it to be, just as much as if it were called so; The first objection to the Bill was, that it was almost unintelligible. As far as he understood it, it was neither just in principle nor detail. Not the least of its objectionable points was, the power it gave landlords to oppress such of their unfortunate tenantry as they happened to take a grudge against. Tithe, under whatsoever name it might be demanded, the Irish people would not pay; and their resistance to the payment of that impost, and even to some of the King's taxes, if that were continued, would be most determined. He thought the Irish landlords should be very chary of undertaking to collect this tax; for they would find, not only that the tenantry would resist the payment of that demand, but, while they were about it, would refuse to pay their rent; and thus, in their endeavour to get in tithe, the landlords would lose their rent. Captain Rock, instead of directing his efforts against the clergy, as heretofore, would thenceforward set himself up in opposition to the landlords. There were none more interested in preserving the peace of Ireland than its Clergy and landlords; and if any sacrifices were to be made to secure that peace, the landlords ought to be the first to make those sacrifices: if a tax were necessary for the alleged purpose, it should be paid by those parties who could best afford it, and who at the same time were most interested in keeping the country peaceable. He had intended to move as an Amendment, on the hon. Secretary's Motion, a series of Resolutions; but he found that the forms of the House prevented him from bringing forward the Resolutions in that manner. He would, however, read the Resolutions, in order that the House might see what his views were. The hon. Member read the following Resolutions:—

1. That all lands in Ireland shall henceforward be tithe-free.

2. That a tax be levied on lands in Ireland, and granted to his Majesty, to compensate the owners of tithe property in such proportions as shall assign to each a just equivalent, due regard being had to the increased security for future payment.

3. That the tax be levied as a poundage on rent, estimated by the last valuation, which shall be subject to revision.

4. That it is just and expedient to relieve the occupiers of lands held at a rack-rent from the payment of Land-tax. That it shall be payable by the possessor or possessors of the greatest beneficial interest, in just proportions out of each denomination of land called town lands.

5. That the land-tax of each county shall be payable by half-yearly instalments at the office of the collector of excise, under the same regulations as the payment of quit-rent.

6. That the Land-tax shall be redeemable at a rate of purchase equivalent to the average rate for which tithes sold in Ireland during ten years previous to the year 1830.

7. That the amount of Land-tax to be levied, the apportionment to each province, and the rate at which it shall be redeemed, be referred to a Select Committee of this House.

8. That it is the opinion of this House, that on the demise of the present incumbents of livings in Ireland the salary of their successors shall be regulated in proportion to the duties to be performed; the surplus, if any, to be applied to such purposes of religion and charity as Parliament may direct.

These Resolutions would satisfy him, though he knew they would not satisfy many of his friends who wished to go further. Indeed, he was inclined to go further if he could; but, looking at the state of the country, he was willing to make a personal sacrifice, in order to restore peace. He was afraid, if the occupier of the soil had still to pay the tithe, all the most obnoxious Acts in the Statute Book must be revived. He, therefore, called on the Government to make concessions in time; if not, their concessions would be received, not as a boon or an act of justice, but as a right which could not be withheld. That system of patching-up would never succeed. Ministers must go to the root of the evil.

Mr. *Carew* said, he had understood that the hon. Member who had just addressed the House intended to move, that the Bill be read a second time that day six months, and had he done so he should have been obliged to vote against the Motion. He ardently desired to have the question settled, and therefore should regret to see the present Bill thrown out, although he disapproved of many of its details. He thought, that if the right hon. Secretary would consent to postpone the discussion for a week, with a view to collect the opinions of Irish Members on the provisions of the Bill, a beneficial effect would be produced upon public opinion in Ireland. He was anxious to maintain the union between the two countries, but, at the same time, he desired to see them governed by equal laws. The noble Lord the Chancellor of the Exchequer, in introducing the English Tithe Commutation Bill, proposed, in order to prevent clergymen, who had been in the habit of exacting their tithes rigidly, from profiting by their harsh conduct, that an average should be struck in each county. Why was not that principle extended to Ireland? He was glad to find, that it appeared now to be generally admitted, that tithes were public property, to be dealt with by the State. It was agreed that the money should not go into the landlord's pockets, but must still continue to be paid. The only question was, how was that payment to be fairly levied? The hon. Member said, that the landlords from their interest in maintaining tranquillity, ought to pay the proposed tax, but there were many landlords in Ireland who would be unable to pay the amount of tithes on their estates. Tenants under existing leases held their land subject to the payment of tithes, and therefore they had no reason to complain. When landlords granted new leases they could make what bargain they pleased with their tenants, but certainly it would be unjust to interfere with existing contracts. The hon. Member concluded with moving as an Amendment that the debate be adjourned to this day week.

Mr. *Finn* denounced the measure, because while sinecures in the State were condemned by all parties, it went to establish and maintain their existence in the Church. In ten parishes in the county of Kilkenny there was not a single Protestant; in his own parish there was no Church, and yet the people were called upon to pay tithes to clergymen who had nothing to do but collect their incomes. So long as the present appropriation of the surplus Church property was adhered to, nothing could be done to satisfy the people of Ireland. If an establishment was to be supported at all, a census ought to be made in the first place, to ascertain the number of Protestants in Ireland, in order that its extent might be proportioned to the actual necessities of the case. He had little hope of making any impression on the House upon this subject, as Members seemed to have already made up their minds; but he appealed to English Members what their feelings would be, if the Church Establishment in this country formed only one sixteenth, and the whole population were obliged against their consciences forcibly to contribute to its maintenance and support? In Scotland, he was sure such a thing never would be submitted to.

Mr. *Ward* was willing to enter into the consideration of the Bill brought forward by the right hon. Gentleman (Mr. Littleton) in order to ascertain whether, by the machinery of its clauses, it was calculated to attain the end it had in view—namely, the securing of the tithe-fund, which might be disposed of hereafter as Parliament should direct. He was anxious the Bill should be committed with that view. He was certainly willing to allow the hon. member for Caithness-shire (Mr. Sinclair) an opportunity of discussing whether the Irish Church was really as beneficial to the population of the country as was supposed. For his own part, he (Mr. Ward) considered it one of the greatest evils which now afflicted it; its greatest bar to tranquillity; its greatest obstacle to prosperity. Putting, at present, out of view the ultimate appropriation of the fund, which by-and-by would be pressed upon them, he should vote for the original proposition, and not for delay.

Colonel *Davies* felt an anxious desire to see the unfortunate condition of Ireland ameliorated, and looked upon the present measure as one of the greatest importance in that view. In fact, the tranquillity of the empire might be said to depend on it. If he rightly understood the Bill, it was fraught with injustice: its operation would be most unfair, because it was calculated to transfer a particular burthen from those who properly bore it, to another class having no right whatever to be saddled with it. It amounted to nothing less than a direct and gross act of spoliation to benefit one class of the community at the expense of another. The tenantry of Ireland were called on to make certain payments of tithe to the clergy, which they refused, and the Bill thereupon threw the burthen on the landlord. But how was the landlord to recover the amount of the tithe? What power had he which the clergyman had not? If, armed with all the power of Government—with police, artillery and foot—the clergy had failed to raise the tithe, how could the landlord be expected to do so? In fact, the plan was fraught with the utmost danger to the existence of society in Ireland. The hon. and gallant Member referred to the evidence of Mr. De la Cour, a protestant gentleman, Dr. Doyle, and the Rev. Henry Montgomery, for the purpose of showing, that persons of all religious denominations concurred in the opinion, that such a measure as the present was impracticable, and could never be carried into execution. Its effect would be, to apply a torch to the combustible materials already existing in Ireland. What had been the course pursued towards that unhappy country? Why, they had gone on blundering from one measure to another, the last always being worse than its predecessor, and each professing to settle the question. The right hon. Gentleman, the Secretary for the Colonies, had promised the House great things when it passed his Bill, but woeful had been the disappointment, in fact the whole people were united against them; and if they persevered in this measure, they might desolate a country, indeed, and tear up the roots of national prosperity; but they would never advance the cause of religion, or consolidate the interests of the two nations. Notwithstanding the immense Protestant establishment, which was upheld at so much cost, the poor persecuted Catholics had increased in Ireland in much greater proportion than the Protestants. If Ireland was to be made serviceable, as she ought to be—the right arm of this country instead of a canker in her side—she ought to be treated with that justice which England herself, if placed in the same circumstances, would require. At all events, the Protestant establishment should be nothing more than commensurate with the ascertained extent of the Protestant population in Ireland. He was not prepared to vote for the original question, nor for the Amendment, because he thought a temporary postponement would do no good; but if the latter were carried, he should, at the expiration of the week move, that the Bill be read a second time that day six months.

Mr. *Littleton* must beg leave to occupy the attention of the House for a very few minutes. It was quite true, that many Bills had been at different times submitted to him, but they generally contained principles which were quite inadmissible, and calculated to entrench upon the rights of property. Much as had been said upon the subject before the House, numerous as were the objections made against the plan which had been proposed, yet it was very difficult to find any one to suggest anything better. It was true, that the hon. member for Kildare had suggested a plan, and one which, from his position, was by no means discreditable to him; but it had the objection of not being sufficiently careful to protect vested interests. In some cases where representations were made of the incompetence of the Commissioners they had been changed. These cases he felt, however, bound to say were very few. With respect to the Voluntary Commutation Act referred to by his hon. friend, he felt no hesitation in saying, that if that Act had been made compulsory instead of voluntary it would have been attended with the most beneficial results. It had been found in the highest degree successful wherever it had been introduced. At present nothing could be more unjust than an equalisation of the composition. Let the House, for instance, reflect upon the effect of it where voluntary composition had been already entered into. For the inequality of this composition many reasons might be assigned. In some parishes there was more grass land than in others. The customs were different in different parishes. For example, in some potatoes were titheable, and in others not. To show the great variety of circumstances under which different parts of Ireland were placed with regard to tithes he had extracted from various reports of commissioners twenty descriptions which might enable the House to judge of the real difficulties with which the framers of the measure had to grapple. The paper which he held in his hand presented twenty different and specific grounds of increase—

Prevention by obstruction—tithes withheld.

Tithes paid in one part, withheld in another part, of a parish.

Additions made for tithes on certain articles withheld for seven years.

Demesne lands brought in (does not affect the parish).

Ownership of rectorial tithes (paid) in dispute during seven years.

Tithes in long lease (one-fifth added).

No tithes paid for fifty years previously.

Agreement for so much per acre (acres omitted).

Tithes had in great part been leased in with lands, or rent only paid—composition fixed on average of adjoining parishes.

Tithes in lease, low rent, high fine.

Rectorial or vicarial tithes leased under value, one fixed in proportion to the other.

Parishioners had long agreed to pay a certain sum free of costs. This advantage estimated at 15 per cent.

Addition for clear and undisputed rights not enforced.

Landlords admitted that the late agreements were under value.

Rights not having been enforced—average of adjoining parishes taken.

Tithes disputed in part of the parish—valuation made.

Amounts paid to lessees could not be ascertained.

Agreement in vestry—raised by.

Agreement in vestry for part—one townland raised.

Tithes on some lands, formerly in the hands of proctors, no account given to the rectors.

He here stated the results, but he had caused a circular to be sent round to the Commissioners who had finished their respective departments, requesting to know the particular cases in which the composition had been raised. He had their answers in a tabular form before him. [The right hon. Gentleman here read a document to prove that, taking the compositions for seven years, in a number of cases, nearly double the amounts were below the average.] He had attentively considered the resolutions which had been put into his hands by the hon. member for Kildare, who had adverted to them. The circumstance of the inequality of the composition in Ireland made it an impossibility to establish a uniform standard. He had certainly when in Ireland entertained the popular opinion upon this part of the question, but upon mature consideration he found its practical working would operate injuriously. In the case of a man holding land to which there attached only a nominal tithe, for instance, would it not be unjust to lay the same proportion of tithes on that land as that paid by the occupant's neighbour? The proposition had been made to relieve the land from the payment of the Land-tax. Now, he should be glad to see some other plan, if practicable, adopted instead of the voluntary redemption of the Land-tax in five years. The next proposition was, that the Land-tax should be payable by the possessor of the greatest interest in town lands. He knew not whether his hon. friend was in possession of the facts as to the rate at which purchases of tithes were made; but if it were so, he must have had more means than he (Mr. Littleton) had had at his command; for when he was in Dublin, he had made every possible effort to ascertain the number of sales of tithes in the last ten years, without arriving at any satisfactory data. Now, the number of advowsons with tithes attached to them formed no criterion, but must serve to destroy the elements on which to calculate tithes. Tithes in Ireland were a property which had been much deteriorated from the continued agitation which prevailed in reference to this claim. The only course to pursue, therefore, to ascertain the value of tithes was to ascertain the value of the land; the payment of rents had not ceased, and land had a just marketable value. He did not, however, think it necessary to trouble the House further on this subject. The state of Ireland, indeed, with reference to Church property was not one to give rise to a satisfactory feeling in the mind of any man who felt an interest on that subject. He would not go further into the question, as other opportunities would hereafter present themselves; but he must deprecate any attempt being made, to mix up the question of appropriation with that of realization. It was the duty of the House to resort to all just means in order to give a character to this species of property which had been unfortunately attacked by the most unjustifiable means; and if it should be his fortune to continue to hold his present office, he was perfectly convinced that in the event of Parliament passing this Bill, he should have no difficulty in carrying it into effect. To those who had used the means to destroy this property, he would say, that he hoped there were others who would protect the property in tithes. There were those in Ireland who now had as much power as the Government or the law; and he hoped that they would recollect that his Majesty's Government, come what would, would do its duty.

Colonel *Conolly* thought, that many of the hon. Members who had preceded him had gone very wide of the question. For his own part he thought this would be the final adjustment of the question of tithes, and he hoped that the Government would not be driven from their determination by menaces from any quarter whatever. He regretted, that many hon. Gentlemen mixed up this question with that of appropriation, and he could not agree with his hon. friend, the member for Kildare, in condemning the Composition Act. He approved greatly of the first Tithe Composition Bill, and thought if the right hon. Gentleman who had brought it forward had never performed any other public service he still would have ample cause for pride. When the hon. Member talked of an average payment of tithes he would ask him to remember the great inequalities and the injustice which must necessarily result from such a measure. He himself paid in one instance 4*s.* 6*d.* an acre, and in another 4*d.* an acre, and yet he thought the 4*d.* the dearest. Of course he meant in proportion to the value of the land. Though he would advocate the present proposition, he should strenuously oppose any measure which contemplated an appropriation of the Church property other than the present. He would, at the same time, not withdraw his approbation from the effect of the Composition Act, which did away with the Agistment Tithe in the south of Ireland. Where great difference in the quality and value of lands existed, he was decidedly averse to equalization; but he would again impress upon Ministers the importance of not being deterred by menaces from their present course. He was certain, if they persevered resolutely, they would be firmly supported by the Irish proprietors. He was also convinced that the Bill might be enforced throughout the country, except, indeed, in cases where the land was let at an exorbitant rate.

Lord *Clements* said, he would follow the example of the gallant Colonel who spoke last, in intreating his Majesty's Government not to be intimidated from realizing the property of the Church, but he would add to that recommendation by begging of them not to be intimidated by the threats which they might receive from any quarter, from considering, and that at no distant day, the question of the appropriation of tithes. The question now before the House was simply whether the right hon. Secretary's Bill adopted the best method that could be devised for realizing the property of tithes. Now, in his humble judgment, the difficulties by which the question was beset, and the difficulties of realizing the property of tithes, were by no means lessened by the Bill now before the House. The right hon. Secretary had said, that when he first went over to Ireland he had endeavoured to adopt the more popular view of the question, but he found, that such a course would be attended with what he considered great injustice to certain individuals. He however must contend, that this Bill committed the greatest acts of injustice, without lessening the original and glaring evil by which the tithes of one parish were fixed at an immoderately high rate, while those in the neighbouring parishes were accidentally much lower. It was said, that it was exceedingly desirable to assimilate the principles of legislation in England and Ireland. Now, in England, the basis which was taken for the perpetual tax in lieu of tithes did not depend upon the accidental amount levied in each particular parish, but the value of the tithes in a given county having been ascertained, it was proposed by the noble Lord, the Chancellor of the Exchequer, to levy that Church income by a fair and equal tax upon land, according to its value. This was an intelligible basis for legislation, and he did not consider it was asking too much of that House, if he intreated them to pause for one week, while they ascertained whether a Bill founded on such principles could be rendered palatable to the Irish Members. It was said, that no increased value had been put upon tithes by the Bill now before the House; but this Bill perpetuated the increased value put upon tithes by the Bill called Stanley's Bill. The right hon. Secretary for Ireland had read a list of twenty reasons which the Tithe Commissioners had given for increasing the amount of tithe over and above the averages. Some of those twenty reasons, however, which seemed so satisfactory to the right hon. Secretary, would be most unsatisfactory to the Irish public; but he took up a higher ground, and maintained, that the averages having been taken on the sums agreed for or adjudged to be paid, had the effect of raising the income of the clergy, in every instance that came within his knowledge, and that the Bill had thus had an injurious effect on the landed interest, even in cases where the Commissioners had not thought fit to add anything to the averages. It was perfectly well known, that the averages were taken not on the tithe actually paid, but on the tithes agreed or adjudged to be paid, which, in most cases, exceeded what the clergyman was enabled to levy. Those cases included debts, too, which the incumbents never expected, and never did receive from their tithe debtors—that in almost every parish in Ireland this amounted to a very considerable sum, and that in some parishes the amount of bad debts was enormous. He had lately presented a petition to that House from a parish in the county of Leitrim, where the tithe payers complained that their rector was willing, at a Vestry held under the voluntary Composition Act, to take 700*l.* per annum in lieu of tithes, but that the parishioners were unwilling to agree to more than 600*l.* at that time, yet the Tithe Commissioners had fixed no less a sum than 1009*l.* under the Compulsory Composition Act, which was 309*l.* more than the rector was willing to have taken. This might be all well and good for those hon. Members who wished to give to the Church its utmost rights, even where those rights had not been hitherto exercised to the full; but for the Government to suppose, that a measure of this nature would be more palatable to the people than the old tithe-laws, which were found insufficient, was to him astonishing. Under the old system, the parishioners might easily bring the incumbent into terms favourable to themselves, for in many poor parishes the holdings were so subdivided, that the tenth of the produce, if set out in kind, could never be carried home in a marketable state by the tithe owner, and though valuable to the farmer, was in fact of very little worth to the incumbent. With the knowledge of this fact in his mind, the incumbent would always treat with his parishioners on advantageous terms to them, and if he understood his own interest, must always consent to take a much smaller sum than would be adjudged to him if he entered a Tithe Court. Now he was most anxious to continue to the present incumbents the full amount of their present incomes, but he did not think that it would be satisfactory to the people of Ireland to discover that the late Acts placed them in a worse position than they were in under the Voluntary Composition, and the Bill now before the House perpetuated the provisions of those Acts. In his humble judgment the averages ought to have been taken on the actual *bona fide* receipts of the tithe owners, and not upon their bad debts, which they would almost always have voluntarily resigned; and the greater number of the reasons assigned by the right hon. Secretary for increasing the amount of these averages appeared to him very insufficient. The English tithe payers had successfully resisted the introduction of a Bill, which made the basis of the perpetual tax in a particular parish depend upon the accidental amount levied by a particular tithe owner, and he would put it to the House, whether a measure, founded on the same principle, ought to be adopted for Ireland, where something more equitable was demanded than the confused and unintelligible Bill now before the House, the effect of which was merely to continue the old Tithe Acts, under the name of Land-tax.

Dr. *Lefroy* said, that, on reviewing the conditions which were contained in the Bill then before the House, the question was, not only whether with regard to the Church the terms were fair and equal, but also whether they were so to the possessor, who held his property in tithes as sacredly, and by as good a tenure, as any gentleman held his estates. The next question for the House to weigh was, whether the application of the funds to be raised by the sale of the rent charge was not a violation of justice. By the operation of the present Bill, a living worth 200*l.* a-year would be reduced to 164*l.* 8*s.*, unless land should be purchased at five per cent. Reduction of the incomes of the clergy was the principle of the Bill. However unpalatable the doctrine might be to those who advocated the Repeal of the Union, and who sought the destruction of the Church, he would observe, that the people were against the destruction of the Church. The question of the Established Church, however, was no longer an open one any more than that of Repeal. Both were set at rest by the Act of Union; and he hoped that his Majesty's Government would take the same firm tone in respect to the Church Establishment of Ireland, which they had taken on the late occasion of the Repeal Question. With regard to the Church Establishment of Ireland, the hon. and learned Gentleman observed, that her whole endowments did not amount to above 300*l.* to each benefice, or if they took the average of the whole, it would not exceed the sum of 320*l.* True it was, certainly, that the endowments were unequally divided: that Church paid 662 curates, and the amount of her revenues was not above 1*s.* in the pound on the rental of Ireland. This was not the occasion upon which he felt called to enter minutely into the question; but he would gladly avail himself of a future occasion to meet the arguments of the hon. member for Middlesex, or those of the hon. and gallant Officer who had attacked the Church Establishment of Ireland. He would be glad to show whether this Church was correctly stated to be " a monstrously endowed Church." He spoke from documents which had been laid before the House. The value of tithes in Ireland was 600,000*l.*, from which was to be deducted by the Bill a sum of 120,000*l.* thus leaving a sum of 480,000*l.* to provide for 1,401 beneficed clergy, with 662 curates. In conclusion the hon. and learned Gentleman said, that he trusted his Majesty's Government would not subject themselves to the reproach of taking the spoil from the Church to give it to the agitators. He would, therefore, give his support to the measure proposed.

Mr. *Feargus O'Connor* said, it was not his intention to occupy the attention of the House at any length, but he thought this new Bill was one which called for a few observations on his part. This new measure was full of alterations, while, according to the announcement of the right hon. Secretary himself, its technicalities, instead of being removed, were multiplied. It was a subject of outcry in Ireland that by this new Bill an additional security would be given to the clergy for the continuance of tithes in Ireland. This he considered one of its most objectionable features, and he would tell Ministers that if they mixed up but one farthing of tithes with 1*l.* of rent, the whole would be tainted in the eyes of the people of Ireland, and neither would be paid. The noble Lord, the Chancellor of the Exchequer, had told them on a former evening that the revenues of the Irish clergy were not too great, and now a new security was to be given them by having a new valuation, and commuting or giving an equivalent for tithe in a Land-tax. And how was this new valuation to take place? The averages were to be taken for seven years, at a period when prices were high, and the landowner or occupier was to be called upon to pay at that valuation now when corn was at a low price. Was it right that parties should now be permitted to come forward and call for an equivalent for that which was altogether obsolete? There was then another objectionable course of proceeding; lands were to be purchased for the clergymen in the different districts, and thus they were to become a sort of small farmers, and obliged to occupy themselves in looking after their temporalities, instead of directing their attention to spiritual concerns. Let the Ministers bear in mind that, under a former course, they were obliged to expend no less than 25,000*l.* in the collection of 12,000*l.* tithe: and he would tell them that still greater and even insurmountable difficulties lay before them if they passed this Bill into a law. If they did, he would tell the right hon. Secretary that he would have to send over to Ireland a much larger force than had been ever sent before to Ireland to collect the tithes. After what they had already witnessed in Ireland, after the dreadful examples before them, were they determined to go on still blindly legislating for that country, without for a moment consulting either the feelings or interests of the Irish people? Suppose his Majesty's Ministers were to send a body of Catholic priests into Lancashire, or any other English county, and state to the people that a Papal bull had been issued directing that they, the people, should support them by tithes, what would be the result? The attempt would, of course, be indignantly resisted. Well, then, just such a feeling would the proposed measure create in Ireland. Much had been said in that House about Irish agitation and Irish agitators. He had agitated as much, if not more, than any person in Ireland. He had presided at fifty or sixty tithe meetings, and he defied any man to say that disturbance had arisen out of any of them, except in one melancholy instance, and that was owing to very peculiar circumstances. He had exerted himself to preserve the public peace—he had the power to preserve it;

he had advocated, heartily advocated, that which the people wished—the total abolition of tithes—but he had done so peaceably. To that, however, he was sure it must eventually come. On the total abolition of tithes the people of Ireland had set their minds. No declaration on the part of the Imperial Parliament could change that determination. No Act which the Imperial Parliament could pass would prevent its accomplishment. What did the Bill hold out to the people but an encouragement to oppose its execution? It told them that the clergy found it impossible to collect their tithes, and, therefore, the Government were determined to make the landlords liable, and to bind them over as security to the clergy. Did they think they could dupe the people of Ireland by this evasion? Did they think that by ceasing to call it tithe they could make the Irish people pay a tax which they held in abhorrence? He implored the House to reject this measure. He implored the House to abolish the compulsory payment of tithes in Ireland. He implored the House to let this be one of the first acts of grace towards that country. Until that great object was obtained they could not expect to put an end to agitation or to faction. He avowed that he belonged to a faction. Ireland felt that she had been wrecked on the Act of Union; she could not obtain her rights by a legitimate influence in the Legislature, and faction, or what was in that House termed faction, was her only resource—her only hope. Ireland felt, that she could not expect her rights to be fairly discussed in that House. He blamed the Ministers for their treatment of Ireland. When the Members were returned under the old boroughmongering system he was not surprised at the neglect of Irish interests, but under a Reformed Parliament there was no excuse; and when Ireland found that a Reformed Parliament did not do her justice, she could have no hope but in the wisdom of a domestic Parliament. He repeated, that the people of Ireland had set their faces against the payment of tithes, and, notwithstanding that House might pass measures to enforce it, such measures could not overcome the determination of the Irish people. The moment this Bill should be passed, to preserve the people in peace would be out of any man's power—it would be out of the power of the Government to preserve peace. Why, then, should they inflict this additional misery on Ireland, racked as she was by dissension, and torn by intestine factions? Was Ireland never to receive even-handed justice from the British Government? He did not blame them so much for what was done formerly, because they legislated in total ignorance of the feelings, the interests, and the wishes of Ireland. But at present no such excuse could be pleaded, and yet they went on legislating for that unhappy country in such a manner as to cause a revolution in it. He could refer to military officers holding seats in that House as to the painful and degrading service which they had been called upon to perform in the execution of these laws. He had seen the widow's pig, her geese, her poultry, seized for tithes, and he had seen military men, men clothed in scarlet and gold, standing by and performing the odious (and to them most painful) office of protecting the disgraceful seizure. He called upon the House in the name of God not to renew the scenes of disturbance and disorder which had so long existed in Ireland; he implored them not to rob the tenant in order to enrich the landlord. "I call upon you," said the hon. and learned Member, "not to pass this Bill; if you do, so help me God, you will revolutionize Ireland."

Mr. *Henry Grattan* objected to the working of this Bill, so far as it affected the landlords. In that respect its operation was most unjust. He agreed with the principles laid down by the noble Lord, the member for Leitrim. They had first endeavoured to raise the tithes by enforcing a compulsory composition; and having effected that, they proceeded to transfer the burthen of that composition to the land; and so far from its being, in any respect, a benefit to the tithe-payer, many things were now made tithable which never paid tithes before. Many of the clauses of the Bill, too, were of a most jobbing and objectionable nature. How was the Government realizing its promise of endeavouring to allay irritation and agitation in Ireland? This measure would have the effect of increasing both. The present Ministry, on coming into office, found the people in collision with the Government; they found the people in collision with the Church; and now they were about to bring them into collision with the landlords. But, said Ministers, we will arm the landlords with powers to enforce the payment of tithes. Why, had they not already armed the Church with all the powers that the law could give? and had not those powers proved ineffectual? Had they not given the clergy troops, artillery, and bayonets; and what was the miserable result? This —that out of the immense sum due, they collected 12,000*l.* at an expense of 25,000*l.* It would be wise for that House to consider whether, if they placed the landlords in the situation of the clergy, they were likely to be more successful in their attempts at collection. The fact was, that they might call it rent, but it was in reality tithe; and whatever name they gave it, the people of Ireland would not consent to pay it. Why had they attempted to impose on Ireland a measure which the English would not submit to? Let any man take the Irish Tithe Bill in the one hand, and the English Tithe Bill in the other, and see if the former was not an act of confiscation compared with the latter? When the English Members saw the English Tithe Bill, they waited on the noble Lord opposite (the Chancellor of the Exchequer), and coolly informed him, that they would not support his Government if he pressed the measure; and the consequence was, that the noble Lord was obliged to give it up, and now a different Bill was introduced to meet their wishes. Let hon. Members examine the different clauses of the English Bill and the Irish Bill, and see if the one at all resembled the other. No such thing. There was not the slightest resemblance between them. What, then, became of the argument in support of the continuance of the Union, that equal laws were dealt out to England and Ireland? The argument went for nothing; and he who doubted, had only to compare the clauses in the English with those in the Irish Bill, in order to be cured of his suspicion. The goods of the tenant and the body of the landlord were both to be liable for debts due to the Crown. Really the system was monstrous. It was based upon ignorance, and crowned by confiscation. But the English Bill was different. The fact was, that Government dared not treat the English as they treated the Irish people. But, to be sure, in Ireland they had the Coercion Bill, by which this Bill could be carried into execution, and the payment enforced. By this Bill, property of his, which had been in his family upwards of 300 years, and upon which no tithe was charged, would now be made liable to 5*s.* per acre. Was not that a gross injustice? This was not equal justice—these were not equal laws. This Bill was proposed to establish a system for supporting what the hon. member for the University of Dublin called "a moderately endowed Church." But if they were to take the evidence of Judge Foster, this moderately endowed Church possessed, including tithes, and glebe, and Bishops' lands, no less than 1,700,000*l.* for its maintenance; and for what kind of a Church was this sum levied? Was it for a Church adapted for administering to the religious wants, and consonant to the religious feelings of the inhabitants? Oh, no! Let the House remember what Lord Anglesey said. Let them remember what the Lord-lieutenant of Ireland—the official representative of the Government in that country—said in this respect, and he called on the Ministry to adopt the advice of their colleague. If they did not, what was the use of having a Lord-lieutenant at all. If his advice were not to be adopted—if his opinions were not to be regarded—let them have no Lord-lieutenant at all — let them abolish the office as an expensive sinecure. Lord Anglesey, in his official memorial, dated 9th October, 1832,—more than eighteen months ago—told the Government what he now repeated to them. He would read to the House the very words of the noble Marquess:—'First and foremost in importance, and in its immediate pressure, is the question of a Reform in the Protestant Church of Ireland. This Establishment, which at all times far exceeded the religious wants of the Protestant congregations, has hitherto been upheld by the State, mainly on the ground that it served the temporal use of consolidating the connexion of the two countries.' It was admitted, therefore, on the best authority, that the Church of Ireland was kept up for temporal, and not for spiritual purposes. Had not it, however, failed of accomplishing this object? Why, then, should it longer be kept up—why should this enormous burthen longer be imposed upon the people of Ireland? What said my Lord Anglesey on this point? 'But this service it no longer performs. Instead of strengthening the connexion, it weakens it. Any Government hence-

'forth pledged to maintain that Establishment as it now exists, must be 'brought into constant and permanent 'collision with public opinion, and the 'prejudices and passions of the Irish 'people.' Would it not, then, have been wise to have changed their policy in time, instead of incurring the danger which an obstinate resistance to the settled determination of the Irish people must inevitably create. Hear the words of the Lord-lieutenant—words that prove him to be a wise and prudent statesman :—'However 'attached myself to the doctrines of the 'Protestant Church, and however anxious 'to discountenance any violent changes 'in its temporal condition, it is impossible 'for me not to see, that the prevailing resistance to its legal pecuniary claims is 'only symptomatic of a deep-rooted, 'wide-spread conviction in the minds of 'the Irish community, that the continuance of this Establishment in its present 'extent and splendour, is no longer justified by the condition of this country; 'and that the time has arrived for such 'just and practicable reforms in respect 'of it, as may eventually place at the disposal of the State a national fund, to be 'applied to necessary national purposes.' Let the House mark the expression, "A national fund for national purposes." This was not the language of a political opponent. It was the language of the King's representative, placed in a high and responsible situation. It was, eighteen months ago, the language of the Government, because it was the language of their officer. If they did not approve of his sentiments, they ought to have dismissed him from his situation. He would particularly call the attention of the House to the next passage, and he requested them to remember, that it was the evidence of a reluctant witness:—'Such, I have 'been reluctantly compelled to feel, is the 'general and unchangeable opinion of the 'Irish people upon this subject; and I am 'equally impressed with the apprehension, 'that unless the Parliament takes the 'lead in the work of now inevitable innovation, the recent confederacy against 'tithes will prove to have been only the 'first of a series of deplorable struggles 'between the Government and the national 'antipathies—that every day, during 'which those struggles are protracted, the 'Government will find itself less in a condition of imposing its own terms—and 'that, sooner or later, the final result must 'be, an extorted and undignified compliance with demands which we had not 'the foresight, or rather, perhaps, the 'power, to concede.' He called on the House to follow the wise advice of this statesman; he would call upon them, in his own words, to consider the claims of Ireland:—'I know that the times have 'passed when the will of the Minister 'could determine the acts of the Legislature, still I cannot refrain from urging 'on the attention of my colleagues the 'claims of this suffering and too long-neglected country, to a participation in 'the benefit of that enlightened policy 'which has already conferred so much 'benefit on other parts of the empire.' Too long suffering and neglected country indeed it was. Government might have showered down blessings upon Ireland, but they had worked ruin and destruction. "Suffering and neglected!" Suffering, from whom? and neglected by whom? Neglected, he replied, by the British Parliament, and suffering under the baneful influence of the British Government. But this was a subject into which a man ought not to suffer himself to be carried away. [*A laugh.*] Hon. Members might laugh, but they should not forget the cause which his countrymen had for excitement. He could not suffer this opportunity to pass without saying that, although the noble Marquess (the Marquess of Anglesey) had in some respects disappointed the expectations of the Irish people, yet the letter which he had read convinced him, that the noble Marquess had not been justly treated. He now believed the truth of the assertion, and he thought his hon. friend the member for Cork was erroneous in denying it, that the Lord-lieutenant had some plan for the pacification and improvement of Ireland: but that his plan had been thwarted and over-ruled by the Ministry at home. He called on the House to oppose this Bill, which he could not but pronounce a Bill of confiscation. It was nothing but confiscation. He might lose 300*l.* or 400*l.* per year by it. He cared not for that; but he should care for the establishment of a system which would raise up in the breasts of the Irish tenantry a feeling of hostility and antipathy towards the landlords which nothing could ever overcome. He objected to this Bill, for it was unjust; and no wise, honest, or just man could, in his opinion, wish to see such a measure carried into a law. He called on the House to listen to the advice of his hon. friend, the member for Kildare, and adopt a plan which, whilst it gave a decent maintenance to the Protestant Church, would at the same time give peace to the Irish people.

Colonel *Perceval* said, the House should bear in mind that the letter referred to by the hon. Gentleman was written by the same noble Lord who had recommended the people of Ireland to "agitate, agitate, agitate." He, therefore, for one, placed as much value on the document as he did upon the recommendation. It was quite clear, that if his Majesty's Government had suffered themselves to be led away by the advice which they received from the Marquess of Anglesey, the consequence would have been a revolution in Ireland. He would not follow the hon. Gentleman through all his extravagance, but he must deny, that the revenue of the Church derived from tithes amounted to any such sum as 1,700,000*l.*, or to more than 600,000*l.* a-year. That sum would be reduced by the present measure to 480,000*l.*, so that in fact the property of the clergy would be confiscated to the extent of 20 per cent for the benefit of the landlord. Such was the proposition with which they had to deal; and when confiscation was talked of, he should like to know whose property was to suffer from the confiscation? Were the clergy to benefit by this measure, or would it confer any advantage whatever on the occupying tenant? Undoubtedly it would not. Who, then, were to benefit by it but the landlords? If tithes were altogether abolished—if the whole 600,000*l.* were to be done away with—into whose pockets would the remission go? It certainly could not go into the pockets of the working clergy, to whom the tithes belonged, but it would, after a very brief space indeed, find its way into the pockets of the Irish landlords. The arguments which had been used to show the unreasonableness of the clergy tended only to prove their moderation. It was stated by the noble Lord, the member for Leitrim, that a Clergyman had offered to accept 700*l.* a-year for his tithes, which were afterwards ascertained by the Commissioners to be worth 1,009*l.* Surely that was a proof of moderation. Much had been said about the unpopularity of obtaining rents if the tithes were paid by the landlord; but to such an objection he attached very little importance, knowing that the system of letting lands tithe-free had in many instances proved most satisfactory. By this Bill a bonus was given to the landlords, which he supposed was intended to operate as a sop to Cerberus. But to show the fallacy of the arguments to which he alluded, he had only to mention, that he held two estates in the county he had the honour to represent, one of which paid tithes, and the other was tithe-free. From the latter he now received a rent equal to that which he could obtain if this Bill passed, while he was obliged to make a due allowance out of the rent of the other for the tithe with which it was charged. These arguments were nothing more, therefore, than an *ignis fatuus* intended by those who used them to delude and mislead the people, and, by causing a sensation throughout the country, to keep up a system of the most baneful underhand agitation. If there were confiscation at all in the measure, the whole of the injustice would fall exclusively on the clergy, who were to have 20*l.* per cent taken from their incomes. But he would ask whether the rights of the clergy ought not to be as sacred as those of the landlords, and if it were just to benefit one class of persons at the expense of another? He certainly should give his support to this Bill, and the reason he did so was, because he hoped the landlords would use their best endeavours to make it palatable to their tenantry, by giving them a corresponding reduction of rents. Menaces that were not creditable to the parties who used them had been thrown out; but he trusted that his Majesty's Government would not depart from the course they were pursuing on account of such threats.

Lord *Clements*, in explanation, said, that he never meant to cast the slightest reflection on the clergyman to whom he had alluded. He merely said, that the parishioners of that clergyman had offered him 600*l.* a-year for his tithes, that he had been willing to take 700*l.* and that the Commissioners raised his income to 1,009*l.*; all this he stated, not as affecting the character of the clergyman, but as an argument against the Bill.

Mr. *Dominick Browne* was of opinion, that this Bill would go to injure, not the Church of Ireland, but the national property which had been improperly given to that Church. He must object to any Bill which went to affect that property, until it was declared how it was to be disposed of. For his own part he thought that the surplus of it should be differently appropriated. He thought that it belonged to the Roman Catholics, the Presbyterians, and other Dissenters. If the Roman Catholics would not receive it as a support for their clergy, then he would bestow it otherwise for the benefit of the country. He thought that great injustice had been done to Ireland by the misappropriation of these funds. He disliked the resolutions of the hon. member for Kildare, with the exception of the seventh, which stated that, after the clergy were provided for, the surplus should be appropriated to religious and moral purposes. He thought the surplus would be most advantageously bestowed upon the Roman Catholics; he spoke without authority, but he thought, that if properly offered they would receive it. If it were given without Government assuming any power over their clergy—if it were given in a good spirit—he thought they would not refuse it. But hitherto they had looked upon it as a sort of *Regium Donum* which might be at the disposal, and, of course, under the control, of any Ministry. He was aware however, that this was a question upon which there existed much difference of opinion, and he was anxious to extend to others that indulgence which he claimed for himself.

Mr. *Goulburn* felt it impossible to adopt the course of giving his vote for the second reading of this Bill without expressing shortly the reasons which induced him to support a measure, of which he could not approve, and which, under ordinary circumstances, he should have felt it his duty to oppose. They were called upon to judge of two propositions which, though unjust in principle, differed in the degree of their injustice. On the one hand the hon. Gentleman the member for Kildare proposed, a Resolution the effect of which would be destructive of tithe property, while on the other, a considerable sacrifice of the rights of that property would take place under the provisions of this Bill. They had, therefore, but a choice of evils, and consequently he should vote for that proposition which he conceived least injurious, in the hope that when this Bill got into Committee it might be so altered and improved as to answer the equity of the case. He would not enter into the question of appropriation or the other topics, which, though foreign to the subject before the House, had been introduced into the discussion. This Bill related to the mode in which one species of property in Ireland was to be dealt with, and he should exemplify the injustice of its provisions by arguing it as if it applied only to lay impropriators. He would show how it would operate in this way, and then put it to the House whether it was in accordance with equity and justice, or could in fact be fairly and impartially executed. What, then, was the real object which this Bill was intended to effect? Its object was, in fact, to declare, that whereas the lay impropriator who purchased tithes as a provision for his family under the sanction of existing laws, believing them to be property and relying on the Legislature to protect his rights, yet still found that his income was to be reduced at least twenty per cent. He asserted, that this would be the operation of the Bill, although its real object was not as directly stated as in common candour it ought to have been. It required the utmost application to the 69th clause, which the Bill contained, to be able to develop what the operation of the measure was likely to be; but he had had the patience to go through it carefully, and he was convinced he had not been guilty of anything like exaggeration in the description which he had given of it. The right hon. Gentleman opposite shook his head as if he doubted this, as if he did not believe, that it would effect any such reduction as he had stated. If, however, the House would attend to a few of the details, he was fully persuaded that he should be able to satisfy them, that the ultimate result of the measure would be precisely such as he attributed to it, even though tithe was commuted for land. By the Bill tithe was intended to be made a charge upon land. This arrangement was to endure for five years, and at the expiration of that period, it was to be converted into a land-tax or rent-charge, and in either case a reduction must necessarily take place in point of amount. The right hon. Gentleman referred to the 3rd section of the Bill to show the injustice which it would work upon the lay impropriators, and contended that, by the 53rd clause, which made various deductions, their income would be reduced in the proportion of one-fourth or one-fifth. The right hon. Gentleman (Mr. Littleton), however, stated that he proposed a decrease of only fifteen per cent in every instance, while it was clear that, under the Bill as it stood, the tithe-owner who was entitled to 100*l.* would receive only 80*l.*; or, according to the right hon. Gentleman's statement 83*l.* or 85*l.* But would this be any relief to the party actually paying? Undoubtedly it would not, for he, under all circumstances, would have to pay the 100*l.*, although the Government would retain fifteen per cent out of it in their hands, and to be disposed of as they thought fit. But there was also another point which would more explicitly show the injustice of this measure. Suppose a lay impropriator had, under the Act introduced by the right hon. Gentleman, the Secretary for the Colonies, availed himself of the power which that Act gave him to commute his tithes, what would the result be? Why, that, instead of receiving 100*l.* he would only get 68*l.*, and this was a necessary consequence of the wording of the 40th section, which empowered the Commissioners to make their decision, not according to the original composition, but according to the sum which would become due and payable on the 1st of November after the passing of this Act. But the sacrifice of property which must take place did not stop here. After tithe had been converted into a Land-tax or rent-charge, the owner of the land might redeem it at sixteen years' purchase. This would give the lay impropriator, whose income amounted to 100*l.* a year, 1,600*l.*; but although that was the sum to which he was entitled, he was still to suffer a deduction of fifteen per cent, which would reduce the purchase-money to less than 1,400*l.* It was true, that until this money was invested in land he was to derive an income out of the interest it produced; but all this was accompanied by incalculable difficulties, for was it to be supposed for a moment, that the instant the redemption money was received it could be profitably invested either in land or otherwise? The principle of this Bill was only taking a step towards dealing in the same manner with any other property, whether lay or ecclesiastical he cared not, whenever the popular cry should rise in that direction. He defied the right hon. Gentleman to deny any one of the statements he had made with regard to the provisions of the Bill, and he would put them into his hands for that purpose. Under this representation of the Bill he felt that, under ordinary circumstances, it would have been his duty to oppose it; but when he was told, that he must choose to take this measure or be prepared to adopt the wilder views of those who professed to agree in the principle, but would carry it to still greater extremes, in this situation he had no choice, and had only to console himself with knowing that he had opposed to the best of his power the very first steps in this unjust and most impolitic course in which the Government were engaged. He was driven to this course by the steps the Ministers had taken some time ago, and had they avioded those steps, the present measure would not have been needed. Now they had involved him and others in a dilemma. They had embarked upon an untried ocean without chart or compass, and even ignorant of the port to which they were steering. He had done what he could, to prevent them putting off, but as they had persisted and carried him and others with them, he had no alternative but to make the best he could of it. He therefore was an unwilling supporter, although he should vote for the second reading of the Bill. Before he sat down he might take the liberty of saying, that the measure he had introduced was calculated to be of great service to Ireland. It molested no property, it was founded on justice, it was carried voluntarily into execution, and he was persuaded that if it had been persevered in, his Majesty's Government would have avoided the present danger.

Mr. *Lambert* had given the Bill before the House his best consideration, and deeply regretted that he could not give it his support. He regretted this the more because there was no prospect of establishing peace in Ireland until the question of tithes was set at rest. He had several objections to the Bill. In the first place it was unintelligible; in the second place it was unjust; and, above all, it was not final. If great talent, good calculation, and the strictest honesty could have settled the question, it would have been settled already; all these qualities were possessed by the right hon. Secretary; but besides these an intimate knowledge of the subject was requisite. The late commutation had increased the value of tithes in almost all places. As an instance, he would mention that, on a late occasion, he spoke to a Commissioner regarding certain tithes which had been commuted, but to which five per cent had been added; and on asking the reason why the addition was made, his only answer was, because it was necessary to do something for the money they received. In the place he alluded to, only five per cent had been added; but in other cases as much as twenty-five per cent was actually added to the value of tithes. What, then, became of the *bonus* spoken of by Ministers, as having been given to landlords. He had another objection to this Bill. By it the tithes were to be paid to the Commissioners of Woods and Forests; from which it might be supposed that they were to be carried to the Treasury, and distributed thence; but that was a mistake: from the Commissioners of Woods and Forests the money was to be paid over to the Ecclesiastical Commissioners. If there was no other objection to this arrangement but the expense, he should consider that a great one; but he saw no difference between transferring the money from the Commissioners of Woods and Forests to the Ecclesiastical Commissioners, and paying it into the hands of the Ecclesiastical Commissioners at once. With respect to the landlord, he was deprived of several of his rights by this Bill. In the first place, he was deprived of the right of paying the tithes in kind. This might, perhaps, be thought no hardship to the tithe-payer, and it was true that the payment of tithe in kind was frequently annoying; but on the other hand it was also frequently a great convenience. Another great hardship was, that tithes were made preferable to rent, by allowing the tithe-owner previous distraint. By this the Churchman was put exactly in the place of the landlord. If they were to do an act of injustice, let them do one by which they might hope for some reasonable compensation in tranquillity, — let it be an injustice of such a kind that there might appear some show of reason in it—for in Ireland, there might be reasonable injustice; but the present Bill had neither of these qualifications. It would, however, have been received with gratitude there three years since, but now it would by no means give satisfaction. He called on the House to concede where they could not command—to conciliate where they could not coerce. He asked, would they go to war with Ireland? He was certain they would not, but would adopt such measures as would save them from such a misfortune. He had suffered as much as any man from the changes of the law which had affected property in Ireland, but he declared that if he had but 50*l.* a-year left, he would rather take that and let all the rest go, so that he could have it in peace. A bare subsistence, with peace, was better than any amount of property in the present state of Ireland, which the measure before them would not relieve. In the policy of this measure he could not concur, and he would therefore give it his most strenuous opposition.

Mr. *Sheil* begged to address the House, and but for a very short time. In the first place he begged to recall to the attention of hon. Members, the enthusiastic acclamations with which his hon. friend the member for Wexford had been heard upon a former evening when he was speaking against the Repeal of the Union, and that they would contrast it with the dead silence with which his observations were now received. Why take his advice upon a question of Repeal, and reject it on the question of the Church? He did not call upon the Government to be advised by him. He had no connexion with them, and consequently his opinion could be no authority. But ought they not to place some reliance upon those who were their firm and staunch supporters. Would they not pay some attention to the majority of the Irish Members? Upon a former occasion it was said, that a minority only were in favour of a particular measure, and that thereupon the proposition ought not to command attention; but here a majority of the hon. Members were opposed to this Bill; and again he asked, was their opinion entitled to no respect? The hon. member for Donegal, to be sure, said it was a lesser evil, and that he must therefore support it; but he thought it was greater, and therefore he would oppose it. But then there was the hon. member for Mayo (Mr. D. Browne), whose advice was worth ninety-nine Members on that side of the House—and what said he? Was he in favour of the measure? Was there—he put the question plainly to them —one Irish Member out of one hundred and five, who approved of the Bill? Who, he begged to know, concocted this measure? Did they consult, as was formerly the custom upon Irish questions, the Representatives for Ireland, or any portion of them? Did they consult the hon. member for Wexford, or his hon. friend, the member for Kildare—the head of the Irish Poor-law Commission? They thought fit to confer upon his hon. friend this very important and arduous office. The noble Lord (the Chancellor of the Exchequer) had, a few nights ago, spoken in the highest terms of the judgment and experience of that hon. Gentleman, in respect to the agriculture of Ireland. Upon these points, he conceived his opinion of great importance; but, upon the question of tithes, his advice was not to be taken into consideration. Who governed them? He did not mean anything disrespectful to the right hon. Gentleman, the Secretary for Ireland, but he declared to God, that he could not conceive why a man, who knew just as much about Ireland as about Japan should be allowed to concoct a bill deeply affecting the interests of Ireland, without deigning to consult its Representatives. He objected to this Bill, in the first place, because it increased the patronage of the Crown by creating an enormous number of new places, which would, no doubt, be filled by their own friends. Receivers were to be placed over the estates of Irish landlords, who were to receive five per cent Commission. In the next place, he objected to it, because it was vague and indefinite. For instance, by this Bill, on one side of a hedge a landlord must have to pay the tithe, and, on the other, the tenants. What confusion this state of things would produce! They knew how much blood had been already shed, to uphold the tithe system. They had resorted to the bayonet of the soldier, the sabre of the dragoon, and yet they failed in compelling the people to pay the odious impost. By the present Bill, the King was to be made the assignee of the landlords, and the landlords were to pay six per cent upon the tithe. Protestant landlords of Ireland, for to them he now addressed himself, how would they relish this? How would they like to pay six per cent to the King after the 1st of November? This measure was certainly a novel one; and if it had no other merit, it certainly had the merit of originality. They sent the soldier to assist the parson in the collection of his tithes, What assistance would they afford the landlords? Did they imagine that the landlords could collect them when the parson was unable to do so, even with the assistance of a military force? Must not every man see, that this Bill would be a brand of dissension and distrust between landlord and tenant? He had heard, that his Majesty's Ministers were divided on the question of the appropriation of Church property. The Speech from the Throne said, that Church property should be maintained, but now, by the Bill before them, the tithes were to be paid into the office of the Commissioners of Woods and Forests; and when they asked Ministers what was to be done with them, the answer was, that "We shall see." Was not that an appropriation of the Church property? Now, he wanted an answer from Ministers on the question of appropriation. He called on them, on the part of the people of Ireland, to remove this ambiguity and doubt. Had they not a right to have an answer? He should like to know what the opinion of the Secretary of the Treasury was. He should like also to know what was the opinion of the right hon. President of the Board of Control, who was lately employed in making new Bishops in India? What, too, was the opinion of the First Lord of the Admiralty? There were two members of the Government whose opinions were well known. The right hon. Paymaster of the Forces—would he agree to a Bill by which the property of the Church should be declared inalienable. As to the right hon. Secretary for the Colonies, he supposed the right hon. Gentleman had recently had so much experience with respect to Canada, where the religion of the people was not at variance with the Church, that something satisfactory might be expected from him.

Mr. Secretary *Stanley* said, that if the learned Gentleman (Mr. Sheil) had addressed the House with considerable vehemence, at least he did not trespass on its patience at any great length; and without following the hon. Member's example with respect to the vehemence of his speech, he would endeavour to imitate him in the more praiseworthy quality of brevity, and not detain the House for any unnecessary length of time. The learned Member had taken four grounds of objection to the Bill, and, of the whole four, not one was exceedingly weighty, nor did the whole of them carry to the mind an idea that the hon. Gentleman had very minutely studied the provisions of the measure now on the table; for certain it was, that any gentleman who had never looked into the Bill, might have picked up from the scraps of former debates on the subject of tithes every one of the (he would not call them arguments, but) declamatory assertions of the hon. Member. He would take the learned Gentleman's last observation first, though in what way the hon. Member made it an argument against the Bill he could not see. However, the learned Gentleman objected to the measure because the Ministers had not informed him whether, with respect to the subject of appropriation, his Majesty's Ministers were all agreed. Perhaps this was not very material to the merits of the Bill. But the learned Gentleman, although he stated, that the House was left in the dark as to the assumed differences of the Cabinet on this subject, had done him and his noble and right hon. friends, the honour to say, that he was well acquainted with their opinions on the subject. Now, whether or not Ministers were all agreed on the speculative question of appropriation would not be thought of so much importance as this—that they were all agreed, that the first duty of the Government and Parliament was, to maintain the existence of the property. They would not be deterred from maintaining that property which might be afterwards disposed of by the Legislature. Ministers were all agreed as to its appropriation at present, and they would not suffer it to be wrested away by violence, or frittered down by fraud or collusion. The learned Gentleman objected to the Bill, because it conferred a certain degree of patronage on the Government. If the hon. Member could point out any mode by which money might be collected without the assistance of collectors, or by which collectors could be got to do their duty in a satisfactory manner without being paid for it, he should be exceedingly happy to avail himself of the learned Gentleman's advice on the subject; but until he could find persons so disinterested and enterprising, he was afraid they must be content to pay out of the sum collected, a proportion to those who collected it. The learned Gentleman said, the Bill established no uniform system, and therefore he objected to it. He could not be satisfied with seeing the tenant paying upon one side of a hedge, and the landlord paying on the other. But how much more monstrous would it be, to have a tithe-free estate on one side of a hedge, and a tithe-paying estate on the other! How monstrous for the tenant of the tithe-free land to pay more rent to the landlord, because it was tithe-free, while the occupier of the land chargeable with tithe, paid a rent proportionably less on the ground of the liability! Here, then, was the learned Gentleman's objection to a great and just measure—it consisted in the different circumstances of different farms, and went entirely upon the fact, that two farms were not precisely in the same situation. Would the learned Gentleman agree with the proposition of the hon. member for Kildare? Differing as he did from that hon. Gentleman's plan, he must admit, that he had never heard anything more candid, temperate, and honest, than the hon. Member's speech. The hon. member for Kildare said, "Throw the whole burthen on the landlord at once." "No," said Ministers, "to throw it all upon the landlord might, as matters stand at present, be attended with many and well-founded objections, therefore we had rather allow existing interests to subside; we will not interfere with them; we will give the tenant time to enter into a new agreement; in this manner, much inconvenience will be avoided." But the learned Gentleman said, there was resistance to tithes, and that was his objection to the Bill. What did the learned Gentleman mean by his argument? Did he mean, that we were to give up the collection of the revenue, and leave it to the landlord or the tenant, as the case might be? [*Mr. Sheil made an observation.*] He should be sorry to lose any remark of the hon. Member, but he really did not hear or understand the expression that had just fallen from him. [Mr. *Sheil:*—I merely used a short and simple word—'Church-rates.' The right hon. Gentleman will probably understand me.] He was doubly sorry, but still found himself equally remote from a glimpse of the hon. Gentleman's meaning. The learned Gentleman's objection, founded on the resistance to the payment of tithes, showed that we ought either to persevere in the system which he condemned, in preference to levying from miserable objects, "at the point of the bayonet," or in future leave the amount to be divided between landlord and tenant. The Ministers, however, did justice; they followed up the principle established a few years ago, by which, under existing leases, the tithes charged on the landlord could be removed by him, and allowance was made for expenses, and, on account of the redemption. The learned Gentleman said, "You are unable to collect tithes, how can the landlord collect them?" Surely the learned Gentleman did not seriously mean to put the difficulties subsisting in either case in competition? Tithes varied in amount from one-thirtieth to one-twelfth of the rent in different parts of the country; in some extraordinary cases, they were stated at one-third of the rent; but he was satisfied that taking the whole of Ireland, the average amount of charge for tithe was not 1*s.* 3*d.* in the pound. The charge was divided into a multiplicity of small portions, and, in many cases, where the clergyman got in sums of 6*d.*, 2*d.*, or 1*d.*, from individuals, these parties were all tenants of the same landlord, who would be able to collect, when applying for 20*s.* of rent, 21*s.*, including rent and tithe, without additional trouble. The landlord had his remedy of ejectment, if the tenant refused to pay. The learned Gentleman would say, "Oh, but there is so much excitement on the subject." He knew that; he was aware that excitement existed; and the landlords of Ireland must take the consequences of the course of agitation which had been pursued. He wished it were otherwise, but landlords holding property according to existing rights could not escape the inconveniences arising from the excitement and agitation which had unfortunately existed for so many years. It would be unjust to put the money into the landlord's pocket; and if, by a collision between landlord and tenant, tithes were retained and an exorbitant rent paid, that would be a gross fraud upon the Church, and an undeserved benefit to the landlords. Irish Gentlemen might say, "Give us the same measures as you give to England;" nay, some hon. Members had claimed that privilege. He had heard taunts levelled against the Government for not following up English measures in Ireland, with a view to effect a real Union between the two countries, and give to both the same laws. Irish Gentlemen were not entitled to take part of the English Bill, and to refuse the whole. Gentlemen might cry, "Oh, oh!" but would they show him the fallacy of his argument? He said, that if Irish Gentlemen claimed the benefit of the same laws as England, they must take the whole laws. The object of Ministers was to give them that benefit. They were told early in the evening, that all that was wanted was a fair commutation, but the basis of that now proposed had been objected to, and an equal poundage on rent was preferred. He did not think it would be more satisfactory to fix an equal poundage all over Ireland, when he considered that tithe varied in the different provinces from one-twelfth to one-thirtieth of the rent. Gentlemen attacked the provisions of the Bill; but with the exception of the member for Kildare, they did not offer to provide any substitute for the plan of which they expressed their disapprobation. The hon. member for Wexford said, it was necessary that the question should be settled, because there would be no peace till it was; yet Members could not agree as to the basis of an equitable settlement. His noble friend now suggested to him, that in England, a rate of poundage was to be taken with regard to a single county; but one of the great complaints against tithe commutation consisted in its unequal pressure, and undoubtedly an equal rate of poundage in Ireland would, from the peculiar circumstances of that country, be the grossest injustice. Hon. Gentlemen complained of the pressure upon the agriculturists of Ireland. The basis of the Tithe Composition Act, of which those Gentlemen complained was, to rectify the injustice committed by a former Parliament, by giving encouragement to the smaller class of agriculturists—to those who held arable land—to till it, at the expense of those who had been previously exempt from payment. How was that done? By distributing the total amount previously paid by a parish over the arable and grass lands of that parish equally. It was done for the avowed purpose of encouraging tillage in Ireland; and it had that effect. Suppose there were two parishes, in one of which nine-tenths of the ground had been previously grass land, and in the other of which nine-tenths of the land had been previously arable, in the case of the poundage being diffused over the whole surface of a county, one of these parishes would be very heavily, and the other very lightly taxed. Take the case of the lightly-taxed parish. Upon the faith of the permanent composition thrown upon the parish by which the amount of the tithe did not exceed *5d.* or *6d.* an acre throughout, the whole land of that parish had been brought into tillage under the Act passed for the avowed purpose of encouraging tillage. A proposition was made—when this land had been brought into tillage by your encouragement—to equalize the poundage throughout the country, and to make the parish lightly taxed under your previous encouragement and sanction pay the same amount of tithe, or tithe composition, for the support of the clergy as the heavily-taxed parish. Such a case could not exist in England, because, in England, the tithe of agistment had not been abolished. In England, the calculation for commuting the tithes might be spread over a county, without causing gross injustice; but the same arrangement carried into effect in Ireland, would be an act of insufferable injustice. It was impossible, consistently with justice, to adopt the principle recommended by his noble friend for England—which had not yet, by-the-bye, received the sanction of Parliament—in the case of Ireland. Supposing, for a moment, that it were adopted, what would the hon. and learned Gentleman say of the redemption? The landlords in England had no hesitation, in proposing—at least, his noble friend had proposed for them—that the redemption of tithe in this country should be at the rate of twenty-five years' purchase; but we offered an opportunity of redemption in Ireland at an average not exceeding sixteen years' purchase. Let Irish Gentlemen, when they complained of injustice being done to Ireland, look at that. Besides, tithes in Ireland were calculated on a scale which would yield less by twenty per cent on the produce to clergymen than in this country. He hoped that the objections which had been raised did not touch the main principle of the Bill, and presumed that the hon. member for Wexford did not mean to press for an adjournment of the question. Looking at the different objections that had been urged, as mainly applicable to the details which would afford ground for discussion in Committee, he trusted, that the second reading would not now be objected to. The absolute necessity of some measure had been admitted by most, and denied by none. Considering this circumstance, and that the charge was to fall ultimately on the landlord, and not upon the tenant; and further, that the right of redemption was fixed on equitable terms—looking also at the objections urged by one side and the other, one party complaining that the terms offered were too favorable for the Church, and the other denouncing the measure as being almost one of spoliation, he trusted, that the House would permit the Bill now to be read a second time, reserving the consideration of the conflicting plans and arguments on the subject of details for that stage which would afford a fit opportunity for their discussion.

Mr. *Blackney* said, that to carry this measure into effect would require an insurrection act, in order to support the landlords in collecting the tithes. He had received many communications from persons in Ireland on this subject. He was a magistrate; he was a justice of the peace; and he was a deputy-lieutenant. He had had many petitions brought to him on the subject of Repeal by persons who were opposed to Repeal, and who said that if this measure was carried, they would become repealers. His Majesty's Ministers must be prepared for such scenes as had not, perhaps, been experienced for centuries. He spoke as a gentleman, anxious for the peace and harmony of the country. He spoke the sentiments of the populous counties of Kilkenny, Tipperary, Carlow, and Kildare. This measure would transfer the odium from the clergy to the landlords. It would render a new insurrection act necessary, and the re-embodying the Yeomanry. Scenes worse than Whiteboyism would be acted if this Bill passed.

Mr. Ronayne moved an adjournment of the debate.

Lord *Althorp* said, that the House had sat later than the present hour (a quarter to 1) this Session, and it would be very inconvenient to adjourn the debate.

Mr. *Walker* said, many Members had come in since the Motion to postpone the second reading of this Bill for one week had been made by his friend, the member for the county of Wexford; he, therefore, wished to call the attention of the House back to the real question before it, especially as the debate had for some time taken a turn quite foreign to it. The

Irish Tithe-bill displeased the majority of the Irish Members of all parties—it was true their motives might differ, but none approved of it; it dissatisfied the Church, it dissatisfied the landlords, and it dissatisfied the occupiers of the soil. Unless it was rendered palatable to the people of Ireland, the property was rendered insecure, and a valuable fund, hereafter applicable to national purposes, would be lost to the State; and any attempt to collect it would be attended with vast expense, and produce disquiet and misery. The present Bill was so bad and unjust in principle, so complicated and expensive in its machinery, that it was utterly impossible to amend it, and nothing but a new Bill could answer. He and several other Irish Members who took the same views, had already remonstrated with Government—they had reason to believe that their reasons had made some impression, though as yet they were unsuccessful; but he hoped, that if English Members would now come forward and assist, that if the second reading was postponed for even a week, a better Bill would be conceded to them; and he put it to English Members if so short a postponement was not a reasonable request? He would ask English Members if, after their vote on Tuesday evening, by which they declared Ireland an integral part of the United Kingdom, would they now say that a Tithe-bill, containing principles which they refused to submit to in the English Bill, because they were unjust, should, by their vote, be forced upon Ireland against the will of her Members and her people? Last Session a Bill was brought in for England similar to the Irish Bill, the English Members at once disapproved of it, and the Chancellor of the Exchequer as immediately gave it up, but the obnoxious principle was persevered in for Ireland; this Session a new Tithe-bill was brought in for England, and the principle which the Irish Members asked for was given to England, but was still refused by the Government to Ireland. English Members said, a union existed; would they prove it by their votes? Remember this Bill was the declaration of either peace or war to Ireland. The objections to the tithe system were the appropriation, the exaggerated valuation of that property, and the unequal proportion of its burthen on the several parishes as compared with each other; this Bill continued and perpetuated those objections. Much misapprehension existed as to the opinions of those who advocated the abolition of tithes, and the old war-whoop of the high-church-men was still raised against the Irish Members; they were told, "Oh, you want to put the tithes into the pockets of the landlords." This was an unfair accusation. There were certain points on which the people of Ireland and her Members were agreed. First, it was admitted, that a certain fund belonging to the public should be levied from the land of Ireland. Secondly, it was conceded, that for the present that fund should be appropriated to the payment of the present incumbents, for their life-interest was acknowledged in all the petitions against tithes which had been presented to that House; consequently, the existence of the fund and its present appropriation was conceded. All the Irish Members asked was, that that fund should be fairly ascertained and justly applotted. As to the future appropriation of this national fund, he did not mean to embarrass the question by taking it into consideration. It ought to be, and he knew it would be, differently appropriated by a future parliament, no matter what decision the House might come to. He had been asked what the Irish Members meant by abolition of tithes, if it was not sweeping away that public fund, and putting it in the landlords' pockets? He would tell the House he meant by abolition what the Secretary for the Colonies meant by extinction, and that was, first to ascertain fairly the total sum paid by Ireland for tithes. Suppose that to be, as stated, 600,000*l*., he would reduce that total sum by whatever percentage might be just, regarding the increased value it obtained from increased security, facility of collection, and the changing it from a variable into a permanent tax. Some time ago the tithe owners were willing to have submitted to a reduction of 25 per cent. This Bill admitted one of 20 per cent; that, however, was matter of detail. But suppose the sum to be raised was 500,000*l*. from the whole of Ireland, in the first instance, to reimburse the Treasury for paying the salaries of the existing incumbents, and afterwards for whatever national purpose Parliament might judge right, his first step would be to declare all tithes and compositions of tithes extinct for ever. He would then say, the nation requires a fund of 500,000*l.* for those purposes; and he would levy that sum over the people of Ireland according to the real value of the land, as an *ad valorem* Land-tax, or as a poundage on the rack value of the land. In other words, he would abolish every thing which made the old system obnoxious. He would lay on the tax as any other new tax would be laid on in modern times. He would not adhere to injustice, because it was antiquated. He would sweep away everything which, by adhering to the ancient character of tithes, would continue and perpetually revive its offensive associations. The advantage of this plan would be that, by spreading the whole tax over so large a surface, it would fall so very lightly upon each proprietor, that no man could reasonably object to the payment of it on the score of amount; in fact, he believed that sixpence in the pound of the rack-rent value of Ireland would raise more than the required amount; next, this being an *ad valorem* tax, each proprietor would only pay for what he had good value; thus, if his estate rented at 1*l.* per acre, he would pay 6*d.* an acre to the national tax; if it rented at 2*l.* he would pay 1*s.*; if it was only worth 10*s.* per acre, his tax would be only 3*d.* Now it was objected by Ministers, that if this plan were adopted, it would work injustice and excite dissatisfaction among those proprietors who inhabit the grazing districts in Ireland, inasmuch as they would be paying to relieve the tillage districts; but he thought, if the reduction was made in the first instance from the gross sum before it was so applotted, the tillage districts would be relieved, and the grazing ones not more burthened than at present; but he would ask, did this Bill satisfy any one, and would not his proposition satisfy the majority? Now, he would endeavour to prove, that it was just to levy the 500,000*l.* as an *ad valorem* tax, at least so far as lands not legally tithe-free at present were concerned, and the quantity of such land in Ireland was very small. It was a gross mistake to suppose, that being exempt from tithe of agistment constituted land in law tithe-free; the legal liability to tithe equally existed on a grass land estate, as it did upon a tillage estate; that is, if the grass land were tilled, for that year it paid tithe, and if the tillage land was laid down to grass, it paid no tithe that year—the legal liability to tithe was not extinguished upon the grazing farm, it only lay dormant, it merely slept. Now, so long as tithes were an annual payment, it was quite fair that the tillage land alone should pay, because it had the tithable produce to reimburse the payer; but it became quite a different matter when this annual payment was converted into a permanent tax, the amount of which would bear no proportion, or reference whatever, to crops or produce of land; and so strongly was this felt by the Legislature, when it passed the old voluntary Composition Act, that it broke down all distinction in each individual parish throughout Ireland, between corn and pasture land; and, *quoad* the parish, levied the tax *ad valorem* over every acre in it; then again the compulsory Composition Act of last Parliament, now just put into operation, had levelled all distinctions between grass and tillage land, in those parishes which had previously refused the voluntary composition; so that if the principle he now proposed, to spread the 500,000*l.* over grass and tillage land, according to its real comparative value, was condemned as unjust by Ministers and their supporters, they placed themselves in the dilemma, that they must admit, that their compulsory Composition Act, which was the foundation of their present Bill, was also unjust. They could not uphold their plan and condemn his on the score of principle, for the principle of both were the same, namely—abolishing the distinction between grass land and tillage. That principle which they applied to parishes, he was for applying to the whole of Ireland. But the right hon. Secretary to the Colonies, in opposing this plan, said it would be unfair to make a landlord who had a grass estate in one part of Ireland, pay to relieve the tillage estate of another landlord in another part of Ireland. Now, unfortunately for the right hon. Gentleman's argument, the Composition Act he so much prized compelled the owner of a grass estate in one end of a parish to pay a part of the burthen formerly paid by the owner alone of a tillage estate in another end of the same; and he could name several instances. He wanted to apply the principle universally; by so doing, it would spread the applotment equally, and the tax would not be burthensome to any one; whereas Government equally violated principle in every individual parish through Ireland, but by confining it within parishes, they increased the burthen so heavily in some, that it would be oppressive almost to confiscation; whereas in others, it was unfairly small. Again, it should be considered, that in calling on the landlords of Ireland to pay a tax of 500,000*l.* for this purpose, that all landlords holding estates, whether grass or tillage, subject to tithes, held them subject to certain advantages and liabilities. Every man purchased or inherited his estate subject to the legal liability to tithe—while tilled it paid, while in grass the claim slept, but was not extinguished. The owner of the tillage estate possessed the vested right, and a valuable privilege it was, to cease paying tithes if he chose to turn his land to grass. That privilege was to be taken away from him now, but he was to be allowed an advantage by paying a diminished sum as his proportion of the gross sum of 500,000*l.*? Again, if the owner of the grass estate tilled his land, he would have to pay tithe under the old law; was he now to be allowed to purchase off all future liability to pay tithe for ever, for a portion of the gross amount of tax, which would literally amount to the Legislature making his land tithe-free for ever? and was that he asked, giving to the landlord no consideration in return for the losses he might sustain because he was now subject to pay no tithe on grass land? One man, because his estate chanced to be in tillage at the present moment, had to pay 5*s.* or 10*s.* an acre, to procure an exemption from future tithes; while another, with much better land, perhaps, purchased the same immunity for 4*d.* per acre: that was unjust. Again, the value of tithes in the English Bill was taken at the present deteriorated value of land. In the Irish Bill, it was taken in the most exaggerated manner, from the sums paid, or stated to be paid by the proctors, in the seven years before 1830, when wheat was 33*s.* a barrel; and those sums were to be paid now, when it was only 23*s.* The right hon. Secretary for the Colonies had made a great boast, that Ireland had got a better principle than England, because he said, the Irish Bill allowed the tax to be redeemed for sixteen years' purchase, whereas the English Bill required twenty-five years' purchase. The principle was, however, the same in both, that was, to allow redemption on paying the supposed value, and the difference between the number of years in the two countries was not a principle, but a detail. The right hon. Secretary had confounded principle and detail together; but even here England was better treated than Ireland, for in the former country, twenty-five years was named, because that was the present rate of purchase of English tithes; whereas Ireland was to be charged sixteen years' purchase, although Irish tithes never at any time sold for more than thirteen years. The Irish Members asked for the English principle of valuation and applotment. He could assure the House, if the present Bill passed, it would fail; and he much dreaded that the ensuing winter would be a bloody one.

Mr. *Ronayne* inquired of the hon. member for Wexford, whether he intended to withdraw his Motion; if not, he thought the debate should be adjourned.

Mr. *O'Reilly* hoped the hon. Member would not withdraw his Motion.

Mr. *Carew* said, he had been urged to move the postponement of the second reading of the Bill for six months, but he had refused, because he thought the delay would be disadvantageous to the country; but he should not withdraw the Motion he had made.

Mr. *O'Reilly* hoped, that his Majesty's Ministers would not confound the opposition a portion of the Irish Members had deemed it their duty to give to the Bill, with the opposition given to it out of hostility to Church property. He fully admitted one of the principles of his Majesty's Ministers, that the tithes ought to be secured in the first instance. His main objection to the Bill was, that it held out a premium to landlords to come forward and assist in the collection of tithes. He contended, that if any premium was to be afforded, it ought to be given to the tenants of Ireland, and not to the landlords, for he believed that much of the opposition to tithes arose from the avarice of the landlords, who granted lands at rack-rents. The struggle really was between the tithe-owners and the land-owners, whether or not the small interest of poor tenants should be destroyed or preserved, and the tenants were indifferent as to the result, in the hope, that in the general struggle or scramble their little properties would be altogether freed from this species of taxation. He was satisfied, that this class of tenants would prefer the Church itself as their landlord, rather than remain under the present system. He repeated, that if any premium for the collection of tithes was given, it ought to be contributed to the tenants.

Mr. *O'Connell* begged to remind the hon. member for Wexford (Mr. Carew) that in the event of his Amendment being negatived, it would still be competent to any hon. Member to move the adjournment of the debate. He thought the hon. Member could not be aware of this when he refused to withdraw his Amendment.

Mr. *Littleton* hoped, that an adjournment would not be persisted in. The difficulties which would ensue had already been fully stated by his noble friend, the Chancellor of the Exchequer, who had stated, that the whole of Monday would be occupied with a discussion which by possibility might be adjourned. He would therefore submit, as a suggestion to the House, that the Bill should now be read *pro formâ* a second time (by that consent of course no hon. Member would be pledged by his vote), and he should further propose, that the discussion on the principle of the Bill should take place on its next stage.

Mr. *O'Connell* regretted, that it was not in his power to acquiesce in the proposition of the right hon. Gentleman, though he should be most happy to accommodate him. Such, however, was his opinion of the Bill, that he would take the sense of the House upon every question referring to it put from the Chair. As soon as the sense of the House was taken upon the Amendment, he should certainly move the adjournment of the debate.

The House divided on Mr. Carew's Amendment: Ayes 74; Noes 241—Majority 167.

The Debate was adjourned till the ensuing Tuesday.

List of the AYES.

ENGLAND.
Aglionby, H. A.
Beauclerk, Major
Bish, T.
Brotherton, J.
Davies, Colonel
Evans, Colonel
Handley, Major
Hutt, W.
Jervis, J.
Parrott, J.
Pease, J.
Potter, R.
Staveley, J. K.
Trelawney, Sir W. L. S.
Vincent, Sir F.
Warburton, H.
Wason, R.
SCOTLAND.
Gillon, W. D.
IRELAND.
Acheson, Viscount
Baldwin, Dr.
Barron, W.
Barry, G. S.
Bellew, R. M.
Blackney, W.
Blake, M.
Browne, J. D.
Browne, D.
Butler, Hon. Colonel
Callaghan, D.
Chapman, M. L.
Dobbin, L.
Evans, G.
Finn, W. F.
Fitzgerald, T.
Fitzgibbon, Hon. Col.
Fitzsimon, C.
Fitzsimon, N.
French, F.
Grattan, H.
Howard, R.
Jephson, C. D.
Lalor, P.
Lambert, H.
Lynch, A. H.
Macnamara, Major
Macnamara, F.
Martin, J.
Martin, T.
Mullins, F. W.
Nagle, Sir R.
O'Brien, C.
O'Callaghan, Hon. C.
O'Connell, Daniel
O'Connell, Maurice
O'Connell, Charles
O'Connell, Morgan
O'Connell, John
O'Connor, Don
O'Connor, Feargus
O'Dwyer, A. C.
O'Ferrall, R. M.
O'Reilly, W.
Roche, D.
Roche, W.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Stowell, Colonel
Sullivan, R.
Talbot, J. H.
Talbot, J.
Vigors, N.
Walker, C.
TELLERS.
Carew, R. S.
Clements, Viscount

* * *

HOUSE OF LORDS,
Monday, May 5, 1834.

MINUTES.] Bill. Read a first time:—Liverpool Witnesses Indemnity.

Petitions presented. By Earl FITZWILLIAM, from the Dissenters of Perth, and other Places, for the Separation between Church and State; from Rushdon, for renewing and extending the Labour-Rate Act; from the Hand-loom Weavers of Maybole, for a Board of Trade.—By a NOBLE LORD, from Everton, against granting the Claims of the Dissenters.—By the Earl of CARLISLE, from Morpeth, for Assessing all Tenements rated under 10*l.* towards the Relief of the Poor.—By the Earl of STRADBROKE, from Blything, for the Repeal of the Malt Max.—By the Earl of ROSEBERY, from Crieff, for an Alteration in the present System of Church Patronage in Scotland.—By the Earl of Durham, from Kingston-upon-Hull, for Relieving Merchant Seamen from the Payment to Greenwich Hospital; from Houghton-le-Spring, for Repealing the Export Duty on Coals; from Cockermouth, for the Reform of the Church Establishment; from the Agriculturists of East Kent, for the Abolition of Tithes; from the Dean and Chapter of Durham, for making Fines certain, and for a Commutation of Tithes.—By Lord KENYON and the Bishop of GLOUCESTER, from Wilsden and Leigh,—for the Repeal of the Sale of Beer Act.—By the Duke of SOMERSET, Earls MORLEY, FITZWILLIAM, and UXBRIDGE, and Lords FOLEY, STANLEY, and POLTIMORE, from a great Number of Places,—for Relief to the Dissenters.—By the Earl of WICKLOW, Lord KENYON, and the Bishops of LONDON and GLOUCESTER, from several Places,—for the Better Observance of the Sabbath.

OBSERVANCE OF THE SABBATH.] The Earl of *Wicklow*, on presenting a Petition for the better observance of the Sabbath from a place in Ireland, said, that the petitioners alluded to Sunday Cabinet Communes and Cabinet Dinners, and prayed that these might be discontinued; and also that the Park-gates might be shut on a Sunday. With the last portion of the prayer of this petition it was utterly impossible for him to concur, believing, as he did, that to shut the Park-gates on a Sunday would be an act of great cruelty to the labouring man, who could not enjoy a walk in the Parks upon any other day. But as to the Cabinet Councils and Dinners, he thought it would be advantageous to dispense with these practices. There was a strong feeling in the country on the subject of the observance of the Sabbath, and he thought that some measure must be adopted with regard to it. At the same time he declared, that he should wish to see that subject taken up by the Government rather than left to the canting hypocritical puritans of the day.

The *Lord Chancellor* said, that the mode of keeping the Sabbath was naturally a subject of some interest, and it was not to be wondered at, that people might wish to see the Sabbath more rigidly observed. There was nothing that man did that was incapable of improvement, and so far as that went, he was one of those who desired the better observance of the Sabbath; but wishing the better observance implied, that the present observance of it was to a certain extent good, for if he was to understand by that term, that the Sabbath was not better kept now than it had formerly been, he begged leave distinctly to deny the proposition. He remembered about twenty-five or thirty years ago, in going to his chambers upon a Sunday morning, which he was sorry to say, lawyers were often compelled—absolutely compelled to do—he had constantly witnessed scenes of the utmost dissoluteness and profligacy. There were no such sights now. Indeed, he knew of no capital in the world—and he had been in most of the capitals of Europe—at least, he knew of no European capital out of Scotland in which the Sabbath was so well kept as in this country. He said no capital out of Scotland, and he made Scotland an exception, for there certainly the Sabbath was more strictly kept than anywhere else; but that was from national habit, rather than from greater purity or more religious character; for he would not arrogate for them that praise. With regard to the part of the petition which related to Cabinet Dinners, it was a mistake to petition against Cabinet Dinners on a Sunday. He believed there never was one. He had never seen or heard of one. He did not deny that there were Cabinet Councils on a Sunday; and they could not, by any possibility, be always avoided. Despatches often came on the Saturday night or the Sunday morning; they could not control all Europe; they would not have our Secretary of State answer despatches without consulting his colleagues, nor would it be expedient to answer them without discussion as to their contents. This was not a work of pleasure, but of necessity, and would be so as long as men were men. If it was a work of necessity, it was justifiable. But this observation was not confined to the duties of Cabinet Ministers. Consultations were held by lawyers upon a Sunday—by the most pious and religious lawyers—and he knew of no more pious and religious men than were to be found among the heads of the law. He recollected very well, that the father of the present right hon. Vice-Chancellor was once going to hold a consultation at his chambers on a Sunday. When his going was objected to by some person of some sex or other, and he was asked why he went upon a Sunday morning?—his answer was, "Why, some asses of mine have fallen into a pit, and I am going to try to get them out," as he might do on the authority of Scripture. "It may be partly my fault that they have fallen in, but they have fallen in, and I am going to try to get them out. I am going upon a work of peace, and a charitable work;" and so it was. This could not be put an end to, unless they could add one-seventh to the year, which they could not do; and if they shut up Cabinet Councils on a Sunday, they must not only expose the country to inconvenience, and, perhaps, to danger, but they must resolve upon shutting up the Court of Chancery on Monday, for the Lord Chancellor was always expected to be present at Cabinet Councils. It was his duty to be present at them, and he always was present, unless by some rare and inevitable accident. Much of the clamour upon this subject arose from ignorance, and from ignorant men suffering themselves to be made the tools of the mischievous; and he must express a decided opinion, that any measure of this sort, unless it was most judiciously framed and limited, and taken into consideration, would do more harm than good as to the object it had in view. It would make the Sabbath an unpopular institution; instead of being, as it was now, when it was kept well, the poor man's day of rest, and the rich man's day of devotion.

The Bishop of *London* regretted, that this discussion should have arisen at the present moment, as he thought it would be of disservice to a cause, the progress of which to final success was essential to the cause of religion in this country. He did not dispute the position laid down by the noble and learned Lord; for, in the evidence which he had given before a Committee of the other House of Parliament, he (the Bishop of London) had said nearly the same thing. The position, that the Sabbath was better observed at this time, than it had been some years ago—at least among certain classes of people—he admitted; but there was a large class of society that, at the present time, were peculiarly exposed to temptation upon this point. The scenes which the noble and learned Lord had said he had witnessed on going to his chambers upon a Sunday morning, were certainly no longer witnessed upon the same spot; but they were transferred to other places in the metropolis; and if the noble and learned Lord visited St. George's Fields, Lambeth, or the north-eastern parts of the metropolis, he would see the desecration of the Sabbath carried to an extent such as to be alarming, not only to the friends of religion, but to the supporters of good government and social order. This question had not been put upon its right footing. The subject matter of the petitions that had been poured in upon their Lordships (and more could be obtained, if necessary) had been for the protection of the poorer classes in that well-regulated observance of the Sabbath, which was as necessary to their temporal comfort as to their spiritual wants. The petition he had this evening presented from the publicans and other tradesmen of St. Luke's, Chelsea, was to that effect. He should not observe upon the subject of Cabinet Councils on a Sunday; but with respect to consultations held by the members of that most honourable profession, the law—and which were held because they would lose some portion of their pecuniary emoluments, if they did not hold them—he should only say, that it gave him great concern to see the subject treated as it had been by the noble and learned Lord.

The Conversation was dropped.

THE KING OF OUDE.] Lord *Ellenborough* said, he was aware of the little interest felt in that House upon any subject connected with the affairs of India, and he knew, therefore, that it would be irksome both to him and to them to address them at any length on such a subject. Whatever he should feel it his duty to state, he should, on that account, feel bound to state with as much clearness and brevity as were consistent with its being intelligible to their Lordships. Their Lordships had learned from the correspondence between the Board of Control and the Court of Directors of the East-India Company, which had been upon the Table of the House for several weeks, that on the 31st of January last, the Attorney-General, under the direction of the Board of Control, moved for a *mandamus* in the Court of King's Bench, to compel the Court of Directors to transmit to India a certain letter written by the Board of Control, to the effect that the British Government should use their utmost endeavours to cause the king of Oude to pay money upon a bond given forty years ago to certain natives, on whose account Mr. Prendergast made his claim. A few days ago the rule for this *mandamus* obtained by the Attorney-General was discharged by that officer. Under these circumstances, he should have abstained from bringing the matter before their Lordships, if he had understood that all the objects of the letter had been abandoned by the Commissioners of the Board of Control. He had no desire to inflict censure where there was an admission of error, and knowing the complicated nature of the Government of India, he should have been unwilling to aggravate the difference between the Board of Control and the Court of Directors, by unnecessarily calling their Lordships' attention to this subject. But, understanding by what fell from the noble and learned Lord on the Woolsack, the other night, taken in conjunction with the papers on the Table, that another measure was under consideration, by which the objects of the letter which was the subject of the *mandamus* would be equally attained, and thinking those objects dangerous to the interests and likely to prove injurious to the character of the British Government in India, he felt himself compelled to draw the attention of that House to the matter. Among the papers on the Table in the

Appendix to a Report upon the affairs of India, was a most important minute by Lord William Bentinck, Governor-General of India. In that minute he stated the distressed condition of the kingdom of Oude, and in strong terms set forth the misgovernment of which it had been the victim for a long series of years. Lord Bentinck went on to say, that so long as we confined ourselves to recommending the reforms we desired to see effected only by persuasive measures, so long would all our efforts to procure a reform of the administration be utterly useless. The letter expressed a strong opinion that the British Government should take possession of the kingdom of Oude by force, and effect those reforms in its internal Government which were deemed so essential. That minute was founded on the report of Mr. Maddock. It appeared by the Report that not more than two-thirds of the revenue was collected, and that it was insufficient to meet the public expenditure. The President of the Board of Control must have had before him this letter and report when he commenced his correspondence with the Court of Directors. He must, therefore, have known how inconvenient it would be, to press a pecuniary claim at such a moment, and how greatly it must embarrass the negotiations that were at that moment pending. The difficulties of the negotiation with the king of Oude were infinitely greater now, than they were in the time of Lord Wellesley, who had made a very statesmanlike representation upon the subject, giving it as his reason for not pressing on the king of Oude, his distressed condition. The President of the Board of Control knew, that it was hopeless to expect payment unless by the employment of force. He knew, that it was utterly hopeless in the present state of affairs in Oude, to expect immediate payment of the money merely on demand. The President of the Board of Control was prepared then to use force for that purpose, and he stated in his letter, that the utmost assistance on the part of the Government would be given to carry the arrangement into effect. But the right hon. Gentleman knew more; he must have known, that the king of Oude would as peremptorily refuse the payment as his predecessor had refused in 1816, notwithstanding the strong language used by Mr. Strachey. The Directors, in their letter in reply to Mr. Grant, of the 1st of March, 1833, observed, that the expression used in the despatch which they were called on to send out, namely—that the "utmost efforts" should be made by the British Government in India, to procure the payment of this demand, could only refer to "compulsion" either by "intimidation or force." Such was the interpretation put on it by the Court of Directors, and it had not been denied to this day. Fourteen months had elapsed since the Directors had thus characterized this part of the despatch, and it had hitherto received no denial. It was evident, therefore, that force was contemplated. If, however, no official sanction had been given by the authorities at home—that was, by the Directors of the East-India Company—for the adoption of such a course, in what situation would the Governor-General have been placed? He could not have acted upon any such order, without the positive sanction of the authorities at home. He could not execute such instructions, without incurring the penalties of a misdemeanour. There was an Act of Parliament, which was most wisely framed by their predecessors, by which it was made unlawful for the Governor-General to make war upon any native state, unless that state had commenced hostilities, or was preparing to commence hostilities, against the British power, or against any native power which was under British protection. Had Lord William Bentinck acted on the letter of Mr. Grant, and proceeded to use force, he would have come within the statute. He would challenge the noble and learned Lord on the Woolsack to deny, that the Governor-General would not have come within the meaning of the statute. It would not have been lawful for the Governor-General to execute that, notwithstanding any instructions he might have received from the Home Government, which in itself was unlawful to be executed. Under these circumstances, it would have been impossible, if the question had come before the Court of King's Bench, for the Judges of that Court to direct the Court of Directors to sanction the letter of the Board of Control, and to send out instructions to India conformable thereto. It mattered not, in his opinion, when he looked at the provisions of that Act, whether the claim of Mr. Prendergast were a good claim or a bad one. He contended, that they were not at liberty, under existing arrangements and treaties, to press authoritatively any private claim on the king of Oude. It had long ago been determined, that no British subject, that no servant of the Company, should have anything to do with loans granted to native princes. For half a century, the Court of Directors had acted upon that principle, which, however, seemed to have been departed from in this peculiar case. In 1786 the Marquess Cornwallis directed the Resident at Oude not to interfere in the monied transactions, or in the details of the administration of the Court of Oude; and it was perfectly clear and distinct from the minutes of Lord Cornwallis and of others, that no such interference in the internal affairs of Oude, and especially with the claim of a private individual, had been suffered in his time. In 1797 a most just and proper regulation was adopted by Parliament, for the purpose of checking the prevalent practice which privately existed, of British subjects making loans, and mixing themselves up with money transactions connected with the native princes. It seemed, that the "wholesome orders" given by the Court of Directors on this subject had not been effectual; and it was enacted, "that any person so offending, after the 1st of December, 1797, should be considered guilty of a misdemeanour," and that all "bonds, notes, assignments, or securities, held directly or indirectly for the use and benefit of any British subject, contrary to the pure intent and meaning of the Act, should be declared null and void. In 1798, when a new king ascended the throne of Oude, they had it in their power to alter their system, if they pleased, and they had not done so. There was in the treaty then assigned, a preliminary article, for the payment of his predecessor's debt, by the new monarch; but, on sound consideration, and with a just view of the importance of the Act of Parliament of the preceding year, that article was left out in the definitive treaty. In 1801, when the treaty with Lord Wellesley was entered into, no provision was made for the payment of those claims. The Nabob Vizier was left free to deal with them as he pleased. In 1802, when what was called the final treaty or arrangement, entered into at Lucknow, at which place Lord Wellesley was at the time, it was distinctly declared, that there was no question of importance or interest to create any differences between the King of Oude and the East-India Company. It was perfectly clear to his (Lord Ellenborough's) mind, from this treaty, that Lord Wellesley had no intention to press on the Vizier for the payment of those debts. That noble Lord (Wellesley) must have known, that to endeavour to enforce payment of the debts would be something more than a question of common difficulty—that it must be both vexatious and dangerous. If reference were made to the letter in the voluminous correspondence of Lord Wellesley, to which so much allusion had been made, with respect to the debts of the Vizier of Oude, it would be seen that he directed, that the payment of the debts of his creditors should be pressed with all the force, not of arms, as at present intended, but with all the force that the delicacy of the claims would admit. Again, Lord Hastings, who, undoubtedly, thought the claims just, said, that nothing would justify direct interference in the internal government of the country. He contended, therefore, that under no circumstances could private claims be enforced by threats or arms. If private claims, then, could not be enforced, and, he thought, there was nothing in this particular claim to make it different from others, it would be an act of partiality and injustice to press this debt. In 1795 the Vizier of Oude made propositions to the Company with a view to enter into arrangements for placing the Government of the country on a better footing, and for the payment of his debts. The resident at Lucknow was told, that he might interfere on his own responsibility; but, after a few days, it was found, that the Nabob Vizier and his creditors had compounded their affairs without any interference of the British resident. There were two classes of debtors, namely, European and native. The European creditors were able to make much better terms than the native creditors. The native creditors, for one of whom Mr. Prendergast appeared, would not accept the sums offered to them; but all the European creditors, who were, as he (Lord Ellenborough) had just observed, offered better terms, accepted the offer of the Nabob Vizier, with the exception of one (Mr. Bruce) who was dissatisfied with it. This European creditor got nothing, as was also the case with the native creditors who refused. By the engagement with his European creditors, the

Vizier undertook to liquidate their claims within six years. The Vizier, however, died at the end of the first year; and, in consequence, his European creditors only got one instalment of their debts. The native creditors, however, the Dosses, one of whose claim had since been urged by Mr. Prendergast, and Mr. Bruce, the European creditor, who refused to accept the terms offered him by the Vizier, got nothing. If, then, we were pledged to enforce payment in one case, we were pledged to do so for all the creditors. Was the Government, he would ask, prepared to support the particular claim advanced by Mr. Prendergast, without reference to the other creditors? It was generally believed—indeed it was notorious—that Mr. Prendergast purchased the claim he had so long urged, in whole or in part, from the original claimants. This he (Lord Ellenborough) would venture to assert, was notorious, and admitted by every one. He then had to consider, whether the claim urged by Mr. Prendergast was lawful or not. He said, that it was not a legal claim. By the 37th George 3rd, it was declared, that no European should make loans or enter into bonds with the native princes; and, also, that no European should purchase any bond or debt of any native prince; and it was enacted, that any such bond or debt, purchased within a certain time after the passing of the Act, should become at once null and void. The purchase made by Mr. Prendergast, was of this description; it was an unlawful transaction, and the debt at once became liable to the penalty of the Act, which was forfeiture. He was sure, that the noble and learned Lord on the Woolsack, would not deny the proposition. It was so strong, it was so clear, that he challenged contradiction. By the 37th George 3rd, it was enacted, that if any European purchased the assignment of any loan, bond, or debt, bearing interest, of any native sovereign, that he should be equally subject to the penalty of the Act as if he were a party to the original loan or bond. This Act passed in 1797, and any person purchasing such assignments after December, 1797, became liable to the provisions of the Act. On these grounds, then, as well as on others, he contended, that it was an illegal claim—a claim null and void by the English law, and could not be enforced. The claim on the Vizier had been purchased by Mr. Prendergast, and it was that circumstance which brought him within the provisions of the Act. He was sure, that the noble and learned Lord on the Woolsack, would not attempt to controvert that position he had laid down. Under these circumstances, he was not surprised, that the application to the Court of King's Bench had not been persisted in, and that Mr. Attorney-General had moved, that the order of the Court be discharged. He was not surprised, he repeated, because he was sure, that the Court of King's Bench would not have granted the mandamus when it was made acquainted with the circumstances of the case. He was convinced, that when all the points of the case should be made known to the noble Earl at the head of the Government, he would be of opinion, that to send that letter to India was wrong, and was most unjust to the Governor-General. He had no wish, however, to use harsh language, yet he must say, that the letter which had been sent to the Directors from the Board of Control was contrary to law—and contrary to equity: it was in direct opposition to the letter and spirit of an Act of Parliament, and it recommended a course of proceeding opposed to the honour, the interests, and the welfare of the country. He gave no credit to the Board of Control for not pressing for the mandamus, because they could not have procured it; and, if the letter had been sent out, it could not have been acted on, because it was contrary to law. He had, however, learnt from the noble and learned Lord on the Woolsack, that ulterior measures were to be resorted to, in order to enforce these claims on the king of Oude. He had understood from the noble and learned Lord, that Lord William Bentinck would be instructed on the subject, and that the measures to be adopted were under the consideration of the Board of Control, and of his Majesty's Government. It was intended to adopt some measures of interference with the government of the king of Oude, in order that a provision for the payment of the debts of the former Vizier should be made out of the revenues of that country; and in which debts, that of Mr. Prendergast, illegal as it was, should be included. It appeared, that instructions were to be sent to Lord William Bentinck with respect to those debts, and he (Lord Ellenborough) could not help feeling considerable alarm at the state of things which might arise from such unnecessary and unjust interference with a native and friendly power in India. But if his Majesty's Ministers were determined to adopt regulations for the purpose of interfering in the concerns of an allied and friendly power, let them, at least, take care, that the stain of cupidity and extortion was not thrown on the country. It was possible, that they were justified in interfering to procure the payment of those claims, but that could never be by resorting to measures of harshness or to actual hostility. If the course that was urged by the Board of Control was intended as the introduction of a measure of reform in the government of Oude, he would only observe, that nothing could be more absurd. If they went back to 1794, and intended to include the debts contracted since that time in the demand to be made on the king of Oude, they would have such an amount of claims, that the attempt to enforce payment would reduce Oude to a state of universal bankruptcy. If the name of Englishmen was to be associated with enforcing such measures as had been suggested on account of these claims on the people of that distressed country, he did not hesitate to say, that it would for ever disgrace that name. They would be going back to a system of government which had not prevailed for the last fifty years in India; and they would imitate transactions, the recollection of which were regarded with shame, and which had been stigmatized by the law as criminal. Such principles of government in India, as he had alluded to, were, on the impeachment of Mr. Hastings, condemned by the noble Earl opposite, by Mr. Burke, Mr. Fox and other great men of the day. No question of greater importance than the present to the character and honour of this country could be conceived, for it was, in point of fact, whether or not we were to assume the government of Oude? The character of the British Government in India for moderation and justice depended on keeping the strictest faith with the princes of that country, as had been particularly dwelt on in *Mr. Maddock's Report on the State of Oude.* He would urge, therefore, on his Majesty's Government the essential importance of not interfering in the internal affairs of allied or friendly States. If, however, his Majesty's Ministers persisted in doing so, it was of essential importance that it should be evident to the people of India that they did so for the protection of the public interest—that they did so purely for the purpose of relieving the people from oppression, and that no suspicion could exist that they were influenced in their conduct by sordid and selfish motives. There was nothing in Lord William Bentinck's letter to justify the opinion that he approved of an interference in the internal government of Oude. The noble Lord said, that the government of Oude had been greatly improved within the last few years, and that the condition of the people was much better than formerly. He said, that the minister lately chosen to conduct the administration in Oude was one of the most able and excellent men in India; that he was regarded with affection by the people of the country; that his character was revered in all India; that he entertained no feelings of hostility to the British Government, although such an imputation had been cast upon him by the resident; and that he was engaged in measures which would tend to the improvement of the country under his control. There could be no doubt of his integrity. The matter, therefore, should be left to the honour of this able minister. He must object to anything like an interference with the government of a friendly power backed by the whole influence of British power. He thought, that it was of essential importance, that all the papers and correspondence relative to this subject should be laid on their Lordships' Table. There was a most important paper drawn up by Lord William Bentinck, and another by Lord Hastings, in which both these noble Lords admitted, that, by the Treaty of Oude, we were not justified in interfering in the internal government of a native power. Nothing but the circumstance of the king of Oude being placed in the situation of an enemy could justify such interference. That principle had been acted upon by all the governor-generals of India for the last fifty years. It was directed by the Act of Parliament to which he had referred, that wars should not be commenced with the native powers. This Act was passed with a view to prevent further conquests in India. He did not deny, considering the situation in which they stood, that circumstances might render it necessary to deprive a

Prince of India of his power; but, in such a case, it was essential that the natives of India should see, that the conduct of the British Government did not arise from any other motive than a desire to promote the welfare and happiness of the people. He repeated, that there might be cases to justify interference, but it would be most dangerous to interfere in such cases as that of the king of Oude. Such a course of proceeding as had been referred to in the letter from the Board of Control was the last mode to which they should have recourse; for, by acting upon the principle of interference there laid down, any species of outrage might be justified. He doubted whether, in the circumstances of Oude, any interference, however pure might be the motives for it, was desirable, or could be looked upon without alarm. That country was peculiarly circumstanced. The state of the people was similar to that of the inhabitants of the north-western provinces of British India. It should be recollected that, for fifty years, notwithstanding the exertions of many of the most able men in India, they had been unable to give a good government to those provinces. The people of Oude were of a warlike character. They possessed an army of 60,000 men, which, if they took possession of the country, they would find it alike difficult to maintain or disband. They would find it a matter of the greatest difficulty to retain possession of the country without the authority of the Sovereign; the feelings of all the men of influence and power, as well as the mass of the people, would render any such attempt extremely dangerous. It ought also to be recollected, that the great bulk of the people were Mahomedans, and extremely jealous of any interference. If, then, the improvement of the state of Oude, by violent interposition, was doubtful, why should recourse be had to such a course, and especially where it was pregnant with dangers in respect to other provinces in India? Hitherto interference had been used under peculiar circumstances, which separated the case of one particular state from the rest; but when once the principle was established that, for misgovernment, a sovereign might be dethroned, and of that misgovernment the Legislature of this country erected themselves as the sole judges, an alarm would be excited in all the provinces in India, for the case was that of all who, according to the British interpretation of good government, might, at some period, be placed in a similar predicament. This was a consideration deserving of the most serious attention. In his opinion there was not a single circumstance that did not show the inexpediency of interfering in the present case. Before he sat down, he begged to direct their Lordships' attention to one circumstance which required particular attention. It was stated, that the British Government was anxious to make provision for the payment of debts contracted since 1794, and he would ask, whether it was not possible that such a pretext might not be regarded with something more than suspicion? Might not the motive of cupidity be directly imputed to them—might it not be said, that they desired to extend their power and influence without regard to the means—that, in short, reform was their pretence, but spoliation was their object? He trusted, that a good system of government might be established, in order that it might lead to improvements, and confer benefits on the people which they did not at present enjoy. If it were attempted to resort to the old system of Government in India, and endeavour to extort every farthing from an impoverished destitute people—if any were influenced by private, not by public, objects—he wished it to be known, that he was no party to such proceedings, and he trusted, that the British Government might be vindicated from the ignominious suspicion of such a charge. They had been told last year that a new era was about to dawn on the people of India—that a new and more liberal system was to be established; but he feared, that the new era was a return to the old system of Indian government which had been abandoned for fifty years. Sooner than return to the ancient system of extorting every farthing from the resources of an unfortunate people, for the purpose of rewarding individual favourites, or for private objects, he should not desire the maintenance of our Indian possessions for one day; and rather than the ignominy of such a course should be attached to the British nation, he would see its power in India fall for ever. An unreformed Parliament, had declared its intention to prevent the extension of our empire, and put a stop to the perpetration of crime for that purpose. He trusted that the same virtue would exist in the present Parliament, and that it would not sanction the course of proceeding set forth in the instructions sent from the Board of Control to the Directors. He had told them of a great wrong, of a great injustice, and a great crime that might have been committed, at least so he should have considered it, had the orders of the Board of Control been acted upon; but he feared, if he understood the noble and learned Lord on the Woolsack correctly, that the matter was still under the favourable consideration of the Government. In conclusion, he trusted their Lordships would prevent any such conduct from being pursued, and that the Government would preserve good faith with native sovereigns in India, the allies of this country; and that that high character for integrity and honour which we had hitherto maintained would be sedulously and strictly preserved. He believed, that there would be no objection to the Motion which he was about to make, and he would, therefore, move for, "Copies of all minutes of the Governor-General and members of Council in Bengal, and of all proceedings of the Governor-General in Council, and of all communications from the Governor-General in Council to the Court of Directors of the East-India Company, relative to the affairs of Oude, from 30th July, 1831, to the present time; together with a specification of the dates at which the several documents have been received by the Court of Directors. Also, copies of all communications relative to the affairs of Oude from the Court of Directors of the East-India Company to the Governor-General in Council, from the receipt of the minute of the Governor-General, dated 30th July, 1831, to the present time; and also, copy of a despatch from the Secretary to the supreme Government, to the Resident at Lucknow, dated the 11th July, 1811; and of a letter from the Governor-General to the Resident at Lucknow, dated 25th March, 1814, referred to in the minute of the Governor-General, dated 30th July, 1831—so far as the same can be granted without detriment to the public service."

The *Lord Chancellor* said, that whatever opinion he might entertain, whatever course he might feel it his duty to pursue, with respect to some parts of the noble Lord's speech, he felt satisfied that he could not do better than follow the noble Lord in one course which he had pursued, and he (the Lord Chancellor) felt assured that their Lordships would feel obliged to him for so doing—namely, confining his observations to the question before the House, and stating them as shortly as possible. With respect to the papers which had been moved for by the noble Baron, he (the Lord Chancellor) had no objection to their production, unless on one ground—namely, that they went over a considerable space of time, and, as he was informed, for he did not know directly what was the case, they were somewhat voluminous. That was, however, a consideration for their Lordships. He said, that there was no objection to the production of these papers, but he ought to have said, that, perhaps, every single document required by the noble Lord could not be produced, but he (the Lord Chancellor) would promise that, with the exception of one or two papers which his right hon. friend the President of the Board of Control stated, that at present it would be inconsistent with the public service to produce, the remainder should be laid on the Table. Their Lordships must be aware that he (the Lord Chancellor) had no access to those papers, but his right hon. friend, the President of the Board of Control, assured him that there was no disposition to withhold any information on that question which could be given consistently with the public service. He could not, however, proceed to notice the direct observations of the noble Lord without observing, that the line of conduct adopted by the noble Lord was somewhat out of the ordinary course of Parliamentary proceedings. What was the course pursued by the noble Baron? The noble Baron had risen to complain of a motion which had been made in the Court of King's Bench for a mandamus to compel the Directors of the East-India Company to pursue a certain course; that, in point of fact, despatches were sent from the Board of Control to the India House to be sent according to the usual practice to India, and which despatches directed that a certain line of conduct should be pursued. The noble Baron, it appeared, disapproved of these despatches, and said, that they directed an illegal course of proceeding, because they directed the Governor-General to do certain things contrary to the Act of Parliament, and which might lead to the impeachment of such Governor-General; that, in short, these despatches would lead his noble friend, the Governor-General, to involve himself with all the inhabitants of India, natives as well as Europeans, and make him violate his duty to his country and his Sovereign, trampling upon the usages of India, and setting at nought Acts of Parliament by pressing these claims by force upon the King of Oude. To all these reasons, the least of which he (the Lord Chancellor) admitted would justify more severe censures than the noble Lord had directly passed upon the Board of Control and the right hon. Gentleman at the head of it, he would return a very short answer,—namely, the act which the noble Baron so severely blamed was not to be done. In the reasoning of the noble Baron he concurred; but never was a Motion more unnecessary than his; for the course which the noble Baron so highly disapproved, was not to be followed. The noble Lord brought forward a Motion for the purpose of blaming his right hon. friend for having taken a certain course, which course his right hon. friend had thought it expedient to abandon, as his right hon. friend no longer thought it expedient to forward the despatches in question to India. According to the noble Lord's statement, his right hon. friend was correct in abandoning his intention of sending out the despatches in question; but the statement of the noble Baron, whose Motion would have been most irregular if his statement were correct, became the most irregular of all irregular proceedings, when it was shown, that the statement itself was grossly incorrect. He would show that by and by. For the present, he was assuming that the statement of the noble Baron was a correct picture of the case, but he should presently show how distorted and destroyed the picture was,—how false in its colouring,—what a marvellous sample it was of the great graphic school for producing an "unlikeness" of the original,—a picture more unlike than he had ever seen an animal, man, or tree, represented in the worst painted country sign that had ever put his credulity to the test. He pledged himself to show this; but still, supposing the picture exhibited by the noble Baron to be in strict keeping, colouring, and drawing true to the original and to the life, and that the Motion of the Attorney-General, in the Court of King's Bench, had been all that the noble Baron had described it, and that it was, as such, deserving all the censure which the noble Baron had bestowed upon it, still he (the Lord Chancellor) would ask, was every Minister of the Crown, or indeed any private individual, ever so hardly dealt with as, in this instance, had been his right hon. friend, the President of the Board of Control? His right hon. friend had conceived an intention, which, it appeared, had proved displeasing to some one; that intention he abandoned, and his very abandonment was the signal for an attack against him. No human being, much less a Minister of the Crown, should have been thus treated. He freely confessed, that his standard of political morality was strict, and that he was as exigent as most men in what he expected from the governors of the people; but he must say, the noble Baron, in this respect, went beyond the most rigid of stoics, for he would not excuse the man who, having once entertained the notion of doing that which, if done, would be unworthy of approbation; and when the course of events took away the necessity of the contemplated mode of proceeding, the censure of the noble Baron still remained, though the act was not committed. Such was certainly not the course consistent with the ordinary proceedings in cases in which a censure was contemplated upon ministerial conduct. He had all along, however, assumed the statement of the noble Baron to have been correct, but he was now about to show, that never was a statement of the conduct of a Minister more unlike the real state of things,—never was portrait so opposite in every feature to the original. In the first place, however, he must remark, that he knew, from long and painful experience, the truth of the proposition which the noble Baron stated in his speech, that the subject under consideration was one than which none was more important, and few which more concerned the interests and character of this country, than Indian politics, yet no subject obtained less favour in this and the other House of Parliament than any question the locality of which was the banks of the Ganges or the vicinity of the Indus. He trusted that, on this occasion, their Lordships would do him the justice to feel, that, when an esteemed friend and colleague, in whose administration of the difficult office he filled, he (the Lord Chancellor) had the most implicit confidence, was attacked, or rather a statement made, perhaps not intended as an attack, it was fit that he should be allowed to state his right hon. friend's defence. The noble Lord commenced his observations on the subject before their Lordships by alluding to the different classes of claimants on the Vizier Nabob of Oude. The noble Baron proceeded to state, that Mr. Prendergast had not himself advanced money to the Vizier; that he had purchased the debt from the Dosses; that this was notorious, and was denied by nobody. The noble Baron also said, that by purchasing this debt, Mr. Prendergast acted in contravention of an Act of Parliament, by which contracting a loan with a native prince in India was declared to be a misdemeanour; that no attempt should be made to get payment of the debt to Mr. Prendergast; and that any attempt to do so could only be imputed to the rapacity of the individual who had violated the law. The noble Lord had brought a very grave charge against a gentleman now no more, and also a still graver charge against the Government, who admitted his claims, and sought to obtain payment of his debt. Happily, however, the venom that had been spread abroad was accompanied by its antidote, for the noble Lord had said, that the Act of Parliament which the noble Lord contended that Mr. Prendergast had violated had passed in the course of the year 1797; but the noble Lord candidly added, that it did not come into operation until January 1st, 1798. Admitting, therefore, for a moment that Mr. Prendergast had purchased the debt in the way he described, it would have been no misdemeanour if he had not made the purchase after the 31st of December, 1797. The noble Lord even did not say, that Mr. Prendergast did not purchase the claim on the Vizier until after December, 1797. If all that the noble Lord had stated were true,—if it were true that the purchase of the claim was notorious,—that nobody denied the purchase,—if all the minutiæ was correct, he must still assert, that it were of no avail, because, as was said by the noble Lord, in the same breath as his charge, there was no misdemeanour if the purchase did not take place after December, 1797. He was prepared, however, to show, that there had been no purchase whatever. The noble Lord said, that it was notorious that there was a purchase, and challenged contradiction. With equal confidence he denied the correctness of the noble Lord's statement. He denied it on the authority of those who were well acquainted with the whole proceedings;—he denied it on the authority of the relations, the friends, the acquaintances, and the Counsel, of Mr. Prendergast. The noble Lord assumed, that that which nobody had ever heard denied must be true. But no one, whose admission was worth anything, was ever heard to admit, that the facts of the case were such as were stated by the noble Lord. Nobody who had even the shadow of a shade of a right to speak on the subject said, that the case was such as had been described by the noble Baron. He said this, not only on the authority of the relatives, friends, and the Counsel of Mr. Prendergast, now in England, but on the authority of those who were, in 1797, in Lucknow, Benares, and Calcutta, and who were prepared to give the most satisfactory and unanswerable evidence on the subject. The bonds were signed in the year 1785; and to prove, that the charge against Mr. Prendergast was never made without calling down the most peremptory and indignant denial, he would mention, that, when in the House of Commons, he had denied it. He denied it there in the years 1812 and 1816. He denied it in the House of Commons in 1822 also. His noble friend, the Chancellor of Ireland, supported him at that time: they divided the House when this charge was made, and rebutted this notorious charge—this charge that nobody could deny. The House of Commons, having listened to this notorious, this undeniable charge, divided, and the result of the division was a majority of 80 to 30 in favour of the claims of Mr. Prendergast, and they even granted a Committee. To whom did the House of Commons grant that Committee? Not, be it remembered, to a Minister of the Crown, or to the President of the Board of Control, but to a Member of the Opposition, who, perhaps with that exception, hardly ever carried a question against the Government. So much, then, for the notoriety of the purchase of the bonds by Mr. Prendergast. Mr. Prendergast was the mere commission-agent of the Dosses, acting for them under a power of attorney, and was richly entitled to all he earned in that capacity. He became acquainted with Mr. Prendergast in the year 1811, when consulted by him, together with Sir Samuel Romilly and the present Master of the Rolls; and he had never seen an individual who so completely identified himself with the interests of his employers, indeed to a degree which might well justify the conjecture in the public mind, that he was a principal. His anxious labours, in the opinion of his friends, eventually cost him his life. With respect to the origin of the claim, he must state, that, of all the great bankers of India, the Dosses at Calcutta, Benares, Oude, and Lucknow, were unquestionably the most extensive. The claim in question bore not the least resemblance to a private debt,—had no connexion with any private transaction, and had not in any degree analogy to what might strictly be called a private debt. The course of business was this:—The Nabob Vizier Asoph-ud-Dowlah had at the time a great pressure upon him, by reason of a rebellion in one district, and while that rebellion raged, under the difficulty, nay, impossibility of obtaining proper stores, baggage-carts, cattle, and other necessaries of an Indian commissariat, for want of the sinews of war—a money supply—application for assistance was made by the Nabob Vizier to the Dosses, not the bankers themselves, but their agent, acting for and on the behalf of their great banking-houses at Lucknow. They at first objected, on the ground that the Nabob's Vizier's security, not the best at any period, was insufficient still more in consequence of the warfare in which he was engaged. The English resident at Lucknow, Mr. Cherry, was then applied to by the Nabob Vizier, who gave to the Dosses his personal guarantee, so far as his communication with the Governor-General on the subject would go. Mr. Cherry did not conceal the application from head-quarters, but communicated it to Lord Teignmouth, then Sir John Shore, Governor-General, and obtained his entire approval of the course Mr. Cherry had taken. On this supplies were granted, and more being subsequently required, Mr. Cherry was again appealed to and he again applied for and obtained the approval of Sir John Shore for guaranteeing a further advance. Now he (the Lord Chancellor) begged to ask if this transaction could be put on the footing of a private debt, or whether the honour of this country, of which so much had been justly said, might not be considered in some degree to be somewhat involved in it, when twice over a personal guarantee had been given by a resident agent, and approved of by a resident Governor-General; and when on that guarantee, so made and so approved of, the money was actually paid and advanced. By its means the war was prosecuted, the rebellion put down, the most perfect success obtained, and owing to this transaction, thus guaranteed, the Nabob Vizier was saved. He, it was true, was the debtor, but by the representations made by English governors and English agents he was enabled to obtain the loan, and under such circumstances it was the duty of the Government to see that the lenders were not losers. He could not avoid referring to another important feature in the consideration of the present question. The act of 1793 had been alluded to, and especially one clause referring to future conquests in India. He must also remind their Lordships of a resolution previously passed by the House of Commons, with which he was satisfied the illustrious Duke near him (the Duke of Wellington) was acquainted, inasmuch as he had taken a most distinguished part in its strict maintenance and most religious observance. That resolution was to the effect that it was inconsistent with the policy, honour, and character of this country to attempt to extend British possessions in India by conquest. Nothing could be more just, virtuous, or politic, than the framing of this resolution—nothing could be more entire, complete, and undeniable, than, that from the passing of this resolution and of this Act of Parliament, the flagrant daily and hourly violation of them had been perpetual. At the time it was passed we possessed in India only a small peninsula in one place, a small piece of land in another, and a factory in a third, and all held by sufferance; whereas at this moment we, who had passed this self-denying ordinance—we who had declared that our dominions in India should not be extended by conquest—had become actually possessed of two-thirds of India, and were really possessed of the remaining one-third, and all obtained by the very means which this resolution, and this Act of Parliament, so strongly and so justly condemned. The noble Baron had here ample room for censure, instead of emptying the vials of his indignation upon the right hon.

the President of the Board of Control for his unfulfilled bad intentions, for the noble Baron had imputed nothing more to the right hon. Gentleman. Here was a solemn resolution of the Legislature, a specific Act of Parliament violated, and violated ever since it had been passed;—here was not evil intended, but bad acts, and a long and uninterrupted series of bad acts committed, and surely, according at least to the code of modern morals and the practice of modern legislation, it was much more incumbent on the noble Baron to apply censure where wrong had been committed, than where wrong, if there were anything wrong in the matter, had only been intended. The noble Baron seemed to have perverted the old saying, that "hell was paved with good intentions," for he would, it appeared, have it, that a portion of it was reserved for bad intentions that had never been perfected. He knew of no right whereby the noble Baron was authorised to assume that any portion of that fiery and tessellated pavement, that even a single die of it, consisted of bad intentions and bad designs which had not been carried into effect—that a single bit of it was appropriated to evil thoughts, which, evil as they might be, and, as in this case, the noble Baron might represent them to be, had not, at all events, ripened into evil actions. If the noble Baron had arraigned the British Government and the East-India Company for those acts by which our dominion had been gained and extended in India, he would have acted with greater edification and more practical effect, than by attacking his right hon. friend. If the noble Baron ever ruminated on once more taking office, and, if in the course of those ruminations, he ever thought of taking the Secretaryship of the Home Department in place of the Presidency of the Board of Control, perhaps he might think that a Proclamation to the following effect, might not be without its use:—"Whereas, certain evil disposed persons have been guilty of forming several bad resolutions and intentions, and whereas it is expedient that such resolutions and intentions should be punished, any person giving information at the office of the Secretary of State will be rewarded, and no questions asked as to whether any overt act was committed or not." Now if this were applied to India it would not be more contrary to the course adopted by practical moralists than that recommended by the noble Baron. At most the charge was but of something intended. Nothing was done. It was only, that something might have been done. Why, the severest Judges of ancient or modern times, even Minos and Rhadamanthus themselves, judged only by the past tense. But the noble Baron a greater Judge than all of them put together, judged according to the preterpluperfect subjunctive tense. It was no matter what Mr. Grant did—it was no matter what he had done, but the whole accusation of the noble Baron regarded what Mr. Grant might, could, should, or would have done, but for something else that happened to prevent him from doing it. It was not for what he did in the past tense that the noble Baron attacked his right hon. friend, it was for what in the preterpluperfect subjunctive tense he might have done, that he encountered the noble Baron's tremendous censure. Our good intentions did not prevent us from extending our dominions in India, first, by war and conquest, and then by a system of subsidizing the native powers, or, in other words, of converting them into our subject states. In such cases the native prince gave up three-fourths of his territory as security, reserving to himself the entire control of his seraglio, of his family, and his palace. During the splendid period that the Marquis Wellesley presided over the destinies of India, so greatly to the benefit of his country, and so much in accordance with the views of those who had sent him thither—during that period of time, which was one uninterrupted course of successes, full of military and political glory, among other things that fell before that power which then went stalking through India, trampling under foot the resolution and the Act of Parliament—amongst other powers that fell prostrate before that mighty force, was the Nabob of Oude, whose predecessor, Nabob Vizir Asoph-ud-Dowlah, had contracted this debt, and who had been reigning Prince of Oude from 1775 to 1797. During that period he had not time nor means to pay the debt due to those bankers, and during that time we guaranteed its payment, and Lord Teignmouth twice over ratified that guarantee. Asoph-ud Dowlah borrowed the money to maintain his sovereignty, and preserve his territory. By its means he succeeded in doing so, and eventually the British Government reaped the benefit of that success. We became by the force of events, as regarded the benefit derived from that loan, converted from sureties into principals—from seconds into firsts. Would any man say, that in honour the British Government was not bound to see such a claim justly settled? In 1811 he had brought forward a petition on this subject in the House of Commons from Mr. Prendergast. But the same opinion with regard to this claim, that opinion which his right hon. friend was blamed by the noble Baron for adopting, had been adopted and acted upon by former Governors of India, as well as by former Presidents of the Board of Control. Everybody who had heard the clear statement of the noble Baron must have supposed, that this opinion had originated with his right hon. friend himself—that it was, in fact, a crotchet of Mr. Grant, and of Mr. Grant exclusively. Now for Lord Wellesley, in the first instance, as an authority. His Lordship knew something of India—not so much perhaps as the noble Baron, who of course knew more than any one else upon that subject; but, at all events, Lord Wellesley had been in India, and he knew a little even of the pecuniary transactions of this Mr. Prendergast in that country. While Lord Wellesley was Governor-General of India, a claim on the part of Mr. Prendergast against this same Nabob for a sum amounting to about 60,000*l.* or 70,000*l.*, which had been outstanding for seven years, had been put in train, by the aid of Government, for settlement, and that money was finally paid. In that case Mr. Prendergast was principal. He would now show, that Lord Wellesley knew him as an agent. [The noble and learned Lord here read an extract from a letter from Lord Wellesley to Lord Moira, then Governor-General of India, referring to this claim of Mr. Prendergast's clients, stating that matters of higher importance had necessarily, while he (Lord Wellesley) was in India, prevented him from doing justice to this affair, and repeating his (Lord Wellesley's) entire conviction of the strength of the claim and the propriety of having it arranged.] He would now read to their Lordships an extract from the despatch of Mr. Thornton, chairman of the East-India Company in 1814. [Lord *Ellenborough:* That is a private letter.] The noble Baron might regard it as a private letter, he regarded it in the light of a despatch—at all events, it proved what was the opinion of Mr. Thornton on the subject. [The noble Lord here read an extract from it in which the writer stated that Lord Cornwallis's secretary, Mr. Robinson, was amply satisfied of the justice of the claim. The noble Lord also quoted the authority, of Lord Teignmouth in favour of the justice of the claim.] There were three classes of claimants upon the king of Oude. The one consisted of Europeans who had lent money to the Nabob, the other of natives who were not British subjects, and the third was composed of natives who were also British subjects. The Europeans relinquishing their interest were paid their principal. The natives, as no one interposed in their behalf, were obliged to take what they could get. They were glad to take a composition of, he believed 18 per cent.

Lord *Ellenborough* said, that they insisted upon having the whole of the debt with 18 per cent. compound interest on it.

The *Lord Chancellor* thought, that the noble Lord had said that they had compounded for 18 per cent. on the principal due. It now appeared that they were offered the principal with 18 per cent. compound interest for six years. The same offer was made to the Dosses, but they indignantly rejected it. They said that they were British subjects, and they insisted upon having the same terms given to them that had been awarded to the Europeans. He would now proceed to the last point on which he had to observe. He entirely agreed with the noble Baron as to the impolicy and injustice of adopting force in cases of this kind as against Nabobs of India. The noble Baron had charged his right hon. friend with commanding that, in the despatch for the sending out of which the *mandamus* had been applied for, the execution of which command the noble Baron had said would have been a crime on the part of Lord William Bentinck. Now, he knew something of Lord William Bentinck, and of this he was sure, that his noble friend would be the last man in such a case to do that which was wrong. The whole charge, therefore, resolved itself into what was intended by his right hon. friend. He held in his hand the despatch of his right hon. friend to the East-India Directors, and also the orders enclosed in it for Lord William Bentinck; and their

Lordships would expect, that, if there was not mention made of guns and bayonets, and to the use to be made of such weapons—if the plan of a campaign was not laid down with the proper maps and plans annexed, that there would at least be some display of power; but what was actually said? and he would maintain that there was nothing in either. In the despatch for Lord William Bentinck his right hon. friend, after stating the various grounds upon which the justice of the claim was founded, added, that our interposition with the King of Oude to settle this claim, should be "direct and formal." Was there anything of force contemplated in such direction as that? His right hon. friend proceeded to state, that he could not better convey his meaning than by stating what was formerly expressed in Mr. Stracey's letter to the Vizier of Oude, dated in October, 1816. [The noble and learned Lord here read an extract from the letter in question, recommending the Vizier of Oude to take measures to place this claim in a train of adjustment.] Such was the nature of the despatch for the sending out of which a *mandamus* had been applied for. Was there anything like threat or menace contained in it? He only appealed, in defence of his right hon. friend, to the plain meaning and sense of the document. With regard to the intention with which it was written, his right hon. friend, of course, could alone speak with authority on that point. His right hon. friend was a member of the other House. He did not believe, that the noble Baron was so destitute of friends in that House, that he was so utterly *inops concilii* there, that he could not find a friend who could do justice to this mightily great subject, and who could interrogate his right hon. friend as to those intentions of which he had been accused, and which had not been carried into effect. That was the obvious way for obtaining a satisfactory explanation from the best authority on the subject: but then their Lordships would, in that case, have been deprived of the eloquent speech of the noble Lord himself. He did not deny the right which members of the Legislature had to call Ministers to account in either House; but the more convenient course was, where the conduct of a member of the Government belonging to the other House was to be brought forward to notice, that it should be made the subject of notice where the individual in question would be able to defend himself. He knew little himself of this subject, and he had, therefore, no doubt, made but a feeble defence where his right hon. friend could make a most triumphant one. It was long since he had first called the attention of Parliament to the settlement of this claim. The first occasion was in 1811, when he presented a petition to the House of Commons on the subject; he afterwards brought it under the consideration of the House in 1812 and 1822. In the latter year the prorogation of Parliament prevented the inquiry from being proceeded with. All that the Government proposed at present was, to renew that investigation, and to interpose with the King of Oude to have an inquiry instituted. The total amount of the principal of the debt was 110,000*l.*; and his right hon. friend had merely directed that the claim should be submitted to further consideration, in order to see if its justice could be substantiated and its settlement provided. Such was the present posture of affairs. It was but common justice to those unfortunate bankers, who had been kept out of their money for forty years, and from the loan of which money this country had eventually reaped such benefit, that an inquiry should be instituted, and that justice should be done.

The Duke of *Wellington* said, he concurred with his noble friend, Lord Ellenborough, in expressing his surprise at the letters contained in the papers on their Lordships' table, and his astonishment, that any such letters should have been written by the President of the Board of Control. He was still more surprised, that it should have been attempted to force such a despatch upon the Court of Directors. The right hon. gentleman (Mr. Grant) in that despatch, had assumed powers which had never before been exercised by the Board of Control. He had never before known such a measure taken by the State to enforce the payment of the claim of a private individual, except in one instance. The instance in which an analogous interference was made by the State in favour of the claims of private individuals was to be found in the treaty of Paris of 1814, which was only done in consequence of a similar stipulation in the treaty of Amiens, arising out of the state of things produced by the French Revolution. He would defy the noble and learned Lord to produce any other instance in which the State had interfered in favour of the debts owing to private individuals. Their Lordships would see, that the words used in the Government despatch were exceedingly strong. They were as follow:—"We feel it incumbent on us to use our utmost efforts to retrieve the present claimants from the unfortunate situation in which they are placed." What was the impression which the use of those terms made upon the Court of Directors? They said in their reply, that "'the utmost efforts' of the British Government mean compulsion, either by intimidation or force." Such was the meaning attached to it by the Court of Directors. How did it happen that Mr. Grant did not reply to that charge, and disclaim such a meaning? The noble and learned Lord had said this subject should have been brought forward in the other House, and that as the *mandamus* had been withdrawn, there was no use whatever in bringing forward such a motion as that of his noble friend. Now, the noble and learned Lord had himself stated, that though the *mandamus* had been withdrawn, the measure could be attained in another way. He conceived, that, under such circumstances, his noble friend was perfectly justified in bringing the matter under the notice of that House. He was as ready as the noble Lord to admit, that Mr. Prendergast was a very amiable and a very honourable man, but that circumstance did not alter the fact stated by his noble friend; for if he had purchased this claim after the Act of 1797, it was an infraction of that act of Parliament. He did not think it possible that a person filling such an office as that filled by Mr. Cherry, and who, in such a situation, should have nothing to do with such matters, could have acted as the noble and learned Lord had represented, or that he would have pledged himself as security for the loan. The noble and learned Lord would find nothing in the papers laid before the House to countenance such a supposition. It was said, that a part of this money was lent for the support of an army; but a portion of it was lent for the purpose of supplying food for the Nabob's wild beasts. The money, it was said, was expended in saving the province—a province which, not a few months after, but several years after, was ceded to the British Government, and it was on that consideration, that the noble and learned Lord contended that we should be security for the payment of this claim. With respect to the opinion which the noble and learned Lord had quoted of Lord Wellesley in favour of this claim, and which was contained in a private letter, he would oppose to that opinion the conduct of Lord Wellesley on the subject while he occupied the situation of Governor-General of India. Lord Wellesley, during that time, negotiated a treaty with the Nabob of Oude, which treaty contained certain provisions with respect to the settlement of the Nabob's debts, and in it there was not a syllable with regard to those debts. Now, if Lord Wellesley thought that they should be paid, why did he not introduce a provision in that treaty, as security for their payment? The noble Duke read a short passage from the despatch of the present Governor-General of India, Lord William Bentinck, stating, that Oude had been much misgoverned, but that he now hoped for better things from the advice of a judicious resident, and concluded by saying, that he was glad his noble friend's Motion was to be successful; for the papers he asked for would throw much light on this important subject.

Lord *Plunkett* would not, after what had been said by his noble and learned friend on the woolsack, detain their Lordships with many observations. The subject now under discussion was one on which, when agitated in the other House of Parliament so long ago as in 1822, he had formed a very strong and a very decided opinion; and he must say, that every new inquiry he had made, every new document he had the opportunity of examining, had completely confirmed him in the opinion he then formed in favour of the justice of the present claims, and the duty imposed on the British Government to use every proper means in their power to enforce the liquidation of those claims on the Sovereign of Oude. He complained of the course which had been pursued upon the present occasion. Originally, the Motion was for an inquiry into the claims of the Calcutta bankers; but now it was for the production generally of papers relative to the state of Oude. The two things were totally distinct. The present position of affairs relative to the state of Oude might make it impertinent or improper for him to enter into the discussion of them: and therefore he should confine himself to that part of the case which affected his right hon. friend, the President of the Board of Control, and also his noble friend who had been the Governor of India at a period when some of the transactions occurred, and whose conduct had been particularly alluded to in the course of the present debate. The charge now made, although he was at a loss definitely to ascertain it, was to call down a censure on his right hon. friend, the President of the Board of Control, for the intention he had formerly entertained, and which he had subsequently abandoned, in insisting that the despatch should be sent. The noble Duke (Wellington) had charged his right hon. friend, not with exercising the influence of the British Government in obtaining redress from the Sovereign of Oude, but with threatening to do so with force and violence. He could not, however, find any passage in the document itself which could be made, by any torture of criticism, to bear such a construction. The noble Duke had not carefully read the answer sent by the Court of Directors, and the complaint now made was in no way founded on it. That answer, from the beginning to the end, proceeded on a denial of the justice of the claim and the right of the creditors to call on the Board of Directors for any assistance. The Court of Directors found fault with the Board of Control for exercising any interference whatever upon the subject. That ground, however, was now abandoned, and the charge was made of interfering by threats of force and violence. If a heavy debt was contracted with the knowledge and sanction of the British Government, surely it would be very hard should protection not be extended to the claimants. The point set up by the Directors was, that there was no right on the part of the Board of Control to interfere in any way; but the complaint of the noble Lord was, that threats were used to enforce the claim; but the whole ended in verbal criticism. In what consisted the threats? Was it the single phrase, that the Board adopted the expressions used by Mr. Stacey? It appeared to him, that the object of the Motion was to fasten odium on his right hon. friend, the President of the Board of Control, because he had made use of an expression which, separate from the context, might, by great ingenuity, be forced to bear something like the interpretation affixed to it. The noble and learned Lord went into the history of the transaction in question, for the purpose of showing, that if not by formal guarantee, yet in honour and good faith the British Government had been parties to it. Under the composition for paying the debts of the king of Oude, the European creditors got the full amount of their demands; but what was the situation of the native creditors? They got no such composition. The terms proposed to them were nothing like so beneficial as those accepted by the European creditors. The Calcutta bankers, however, said that they were British subjects, and therefore ought to be treated as European creditors; and on that ground declined to accept those inferior terms; conceiving, that they would thereby degrade themselves below the character which they ought to sustain as British subjects. He relied on this transaction in two points of view,—in the first place, those natives were insisting on their absolute rights; it afforded, at the same time, the most perfect conviction of the justice and honesty of their claims. But the princes of India, it seemed, had a mode peculiar to themselves of settling accounts. They took it for granted, in the first place, that the money paid by the creditors had never been fairly advanced; they audited the account by striking off so much as they thought unjust and exorbitant; and those who did not choose to submit to such a settlement, were declared not entitled to the liquidation of their claims at all. Such was the settlement of accounts which had been represented as congenial to the habits of the people of India. He did not wish to speak disrespectfully of the Court of Directors; but he thought, in the course they adopted, they had not acted in the honourable and just spirit of British merchants, and still less in accordance with that great and awful responsibility which attached to them as swaying the destinies of that important empire which had been placed under their charge. Under all the circumstances of the case, he thought that there was a just claim on the British Government in India, and that the subject ought to be renewed. Sir Samuel Romilly, Sir James Mackintosh, Lord Lyndhurst, and several of the best and wisest men in the country, had solemnly and deliberately declared their opinions that these claims ought to be admitted.

Lord *Ellenborough*, in reply, defended

the conduct of the Court of Directors. Mr. Prendergast, he again asserted, had purchased part of his claim, and he was not exclusively the agent of the Dosses. Indeed, he was surprised, that the noble and learned Lord on the Woolsack made that assertion; because he had understood the noble and learned Lord to state, in conversation, that Mr. Prendergast was a principal, and not an agent. But whether he were a principal or an agent, as he was not to have any remuneration unless he succeeded, he was equally concerned in the bond, and came equally within the meaning of the Act of Parliament. If the noble Lords opposite would only consult all the papers which were accessible to them, they would find, that the claims of Mr. Prendergast were untenable.

The Motion was agreed to.

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HOUSE OF COMMONS,

Monday, *May* 5, 1834.

MINUTES.] Bills. Read a first time:—Central and Criminal Court; English and Irish Judgments.—Read a second time:—House of Commons' Offices.

Petitions presented. By Mr. SHAW, from the Wesleyan Methodists of Dublin, in favour of the Lord's Day Observance Bill; from the Shipowners of Maryport, for the Repeal of the Reciprocity of Duties Acts; from Dundalk, for Improved Legislative Measures for Ireland.—By Mr. BETHELL, from several Places, against any Alteration in the Corn Laws.—By Mr. HYETT, from the Dissenters of Stroud, against the Dissenters Marriages Bill.—By Mr. BETHELL and Mr. SHAW, from several Places,—against the General Register Bill.—By Mr. TOOKE, from several Metropolitan Parishes, against the Parish Vestries Bill; and against the Poor Law Amendment Bill; from St. Botolph's, Aldgate, for the Commutation of Tithes.—By Sir JOHN OWEN, from Arran, for Inquiry into the State of the Irish Fisheries.—By Sir GEORGE GREY, Sir JOHN OWEN, Mr. Alderman WOOD, and Mr. TOOKE, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Sir GEORGE GREY and Sir JOHN OWEN, from several Places,—for the Better Observance of the Sabbath.—By Mr. GODSON, from Kidderminster, for the Repeal of the Corn Laws; and from the same Place, for a Remission of the Sentence on the Dorsetshire Labourers.—By Sir GEORGE GREY, from East Stone House, against the charge of one Penny on all Letters and Newspapers coming to or leaving that Place.

ADMISSION OF DISSENTERS.] On the question being put, that the petition presented on Friday, from the Under Graduates of Cambridge, do lie on the Table,

Mr. *Hutt* said, he did not rise for the purpose of entering into any discussion on the subject of the petition presented to the House on Friday last; as a member of the University, however, he could not forbear expressing his surprise, that such a petition should have been presented to the House at all, and especially, that it had been presented by the right hon. Gentleman, the member for the University of Cambridge. When he was an undergraduate of that University, an attempt was made by the under-graduates to petition that House in favour of the Catholic claims, but the effort was immediately and imperatively put down by the public authorities—it was denounced as a proceeding altogether at variance with academic discipline, and the severest penalties which the University could inflict were threatened. The University, it seemed, had now changed its views on this subject; it was now quite proper, and in accordance with the discipline of the University, to sign petitions in the cause of bigotry and intolerance, although, when in better times, and in better spirit, it was attempted to further the cause of civil and religious liberty, the effort was loudly censured by the authorities.

Mr. *Goulburn* said, that the hon. Member did not seem to be aware, that the petition which he had the honour to present, had been circulated in the University, and that no compulsion had been used in getting it up. He had deplored the departure from academic discipline; but when one portion of the members had thought proper to present a petition, the other must surely be excused for a similar departure from the usual custom, or submit to the imputation of having compromised their principles.

The Petition was laid on the Table.

GRIEVANCES OF DISSENTERS.] Mr. *Wilks* presented a petition, signed by upwards of one hundred of the deputies of the different congregations of the metropolis, and within twelve miles of it, praying for relief. The petition was agreed to at a meeting where the utmost unanimity prevailed, and the firmest declarations of their full intention to demand their rights; and the petitioners found a difficulty in repressing the expressions of their indignation at the line of conduct pursued by his Majesty's Government towards them. In fact, there was scarcely a town or parish in the kingdom in which the Dissenters were not prepared specifically to petition for the removal of their disabilities, and especially for relief from Church-rates. If they were disregarded and disappointed, they would be compelled to come forward in a more decided manner, because they would naturally be led to inquire into the source of the evils of which they complained; and, on discovering that the source of all their grievances was the intolerance of the Church, it would not be wonderful if they were heard in united millions demanding the separation of Church and State; and he, in fact, was quite sure, that numerous petitions with that prayer would soon be poured into the House.

Lord *John Russell* said, he would not enter into the objections which the petitioners had made to the measures of relief which had been proposed to the House by his Majesty's Government on the present occasion; but, as the hon. Member had thought fit to take that opportunity of making another declaration of his sentiments on the subject, perhaps he might be permitted to state in a few words, what he conceived to be the plain question for the consideration of that House, whenever the subject should come before it. Two grounds of objection had been made to the Ministerial measures of relief. The first was, that the Church had sufficient means to support itself and keep the fabric in repair out of its own funds. That was a fair question for argument; and when it came before the House, he should be prepared to meet it. He should endeavour to prove, that it was not expedient, that it was not wise, and that it was not just, to insist that the Church, out of the funds it now possessed, without the aid of the State, should keep in repair the places of worship. The second objection was of a different kind; it was not, that the money which was necessary for the repair of the Church, should not be paid, but it was an objection of principle, and it went the extent of saying, that persons differing in religious opinions from an established Church, ought not to be called upon to contribute in any shape to its support. It might be a right principle, it might be a proper principle, for the Dissenters to argue, but he hesitated not to say, it was a principle utterly subversive of the Church Establishment; and he considered, that if ever the Legislature should consent to admit the doctrine, that any man who said he did not agree to the religious tenets and opinions of the Established Church, should be thereupon for ever exempt from any contribution towards the maintenance of the Church, it would, in fact, declare, that no Church Establishment should any longer exist at the expense of the State. That was a position he was not prepared to take. He was sorry to see the Dissenters endeavouring, by their petitions, to push the Government on to the question of a separation of Church and State; but his own line of conduct had been taken; he was desirous to relieve all the practical grievances of Dissenters; but if it came to a struggle, whether or not the Established Church should exist in alliance with the State, he should be for supporting the Church; and whenever a severance should be proposed, he was resolved firmly to oppose it.

Mr. *Hume* said, the complaints against the Established Church were now becoming so loud and numerous, that it would be impossible for the House long to resist them. He had petitions from all parts of the realm on the subject. Some prayed for a total separation from the State; some complained of the tithe system; and others were against the payment of Church-rates. He had heard the noble Lord say, that his line of conduct was chalked out with much concern, because he thought that course ought to be taken with great care and caution. He, for his part, had always been of opinion, that a Protestant Church ought to exist in this country, founded on the religious opinions of the majority; that a Protestant Church ought also to exist in Scotland, but a Roman Catholic Church in Ireland. The last, however, in his opinion, ought not to be an establishment. He thought the Dissenters had little to expect from the present Government, nor was there much hope to be entertained of a Reform in the Establishment. He confessed, that when he saw one Government determined to support the acknowledged abuses of the Church at all hazards, succeeded by another equally inclined to follow in the same steps, it became the duty of the House to consider, whether it would not take upon itself the arbitration of the question between the Government and the people. The consequence of the Government refusing to concede the just claims of the Dissenters, must be to promote a sectarian warfare in all parts of the country, which, if it was suffered to proceed, would end in the destruction of true religion in England. The hon. Member then referred to the origin of the alliance between the Church and State, and said it could not be defended by the arguments originally used in support of the connexion. The circumstances had totally changed; the power that brought the State to the assistance of the Church having totally disappeared, and now nothing was to be apprehended from Popery. He believed, if pluralities and the other abuses of the Church were any longer maintained, a question would soon be asked—of what use was the Established Church? Let it only be decided, that the State was necessary to the support of religion, and then there could be no difficulty in the question. The Dissenters formed nearly a majority of the population of the country. From returns in his possession, it appeared, that in twenty-nine large manufacturing towns in England, the members of the Established Church formed only one-fifth of the population. If that were the case, could any man in his senses imagine, that the Dissenters, with such a strong numerical power, would tamely submit to the domination that had existed so long? If the abuses of the Church were removed, he did not wish to see any separation; but if no alteration took place, he trusted an inquiry would very shortly be made into the tenure by which the property of the Church was held. He entreated Government to come forward with some measure of relief in favour of the Dissenters, to prevent that revolution which must necessarily take place if justice were withheld.

Mr. *James* read an extract from a letter he had received from a Dissenting clergyman in Carlisle, for the consideration of the noble Lord; it stated, that the Dissenters had been disappointed and astounded by the mock relief of Lord John Russell and Lord Althorp's Church-rate Bill, and said, it was a proof the Dissenters had not much to expect from the present Government, but that they must look to their Representatives. He (Mr. James) was a friend to the Established Church, because he wished to see the Establishment rest on its own resources. The sooner the connexion between Church and State was done away with the better, for if the people of England continued to be taxed for the support of any particular creed or doctrine, the Establishment must very soon fall. People might talk of the Established Church being the ancient religion of the country, but the Roman Catholic was the oldest religion, except Paganism; one half the country was Dissenters, therefore their rights ought to be respected.

Mr. *Finch* was in favour of a Church Establishment. It was erroneously argued, that because the Saviour had said, "My kingdom is not of this world, else would my servants fight," it was not the duty of States to support a national religion; but if he read the Scriptures rightly, he learned that "kings were to be the nursing fathers, and queens the nursing mothers" of the Church. He agreed, that the kingdom of our Saviour was not of this world, but he knew of no connexion between Church-rates and religion. The Church was not opposed to improvement which would tend to promote its religious interests. Its members were opposed to the taxation of the clergy and the destruction of bishoprics; but if any plan of real and substantial improvement was introduced, whether it related to pluralities or non-residence, or any matters of that nature, he (Mr. Finch), and those who thought with him, would, instead of opposing it, give it their cordial sanction and support. The tax of which the Dissenters complained did not average 3*d.* per head on the whole population of the empire. He believed, that no measure introduced by Government would satisfy the Dissenters. Nothing would satisfy them but a separation between the Church and the State. At future elections the cry would no longer be "Whig" or "Tory," but "Church, or no Church." If the hon. Member knew anything of the principles upon which a Church Establishment was founded, it was, that the Government, believing a religion to be true, should endeavour to promote and protect it. If the Roman Catholic religion was true, could the Protestant be at the same time true? If the Protestant religion was true, must not the Roman Catholic be founded in error? He (Mr. Finch) must, therefore, protest against such observations proceeding from the mouth of an hon. Member professing the Protestant religion. [*Mr. O'Connell made an observation.*]—He was not arguing with the hon. and learned member for Dublin, for he thought, that House should not be the arena for theological discussion. It was a fact, that in many places the Protestant population had not church room, and he hoped, that one of the first measures the Government would bring in, would be one for the multiplication of churches. The hon. member for Middlesex said, he wished to see the Roman Catholic religion established in Ireland, but before he ventured to make such an observation, he would do well to read over the creeds of the Roman Catholic and Protestant faiths.

Mr. *O'Connell* agreed, that the Catholic Church ought not to be the Established Church of Ireland, for a very different reason from that given by the hon. Member—namely, because he thought it the true Church, and he was convinced, that the true Church was always injured by any connexion with the State. As to the rights of the Dissenters of England, he thought their demands ought to be conceded; they had as good a right to be Dissenters, as the hon. Member had to be a Protestant. The hon. member for Stamford said, that it was not honest in the Dissenters to ask for the separation of Church and State. It was a new maxim in morals, that honesty was not the best policy. Men, he thought, were to be honest whatever might be the consequences. He was convinced, that the Dissenters would never get anything granted unless they asked for it, and boldly too. He would vote for every relief for which the Dissenters asked, but he was ready to condemn their conduct, and he had a right to do so, with respect to the Sabbath Observance Bill. Their principle was, that the Church and State should be separated; that the State should not interfere with religion; that there should be no Act of Parliament piety; and yet they called upon that House to legislate for the better observance of the Sabbath. What could be more inconsistent than that—they objected to the principle of a connexion between Church and State, and, in the same breath, they called for the interference of the State in a matter that should be wholly religious. Shame upon the Dissenters for supporting any legislative enactment interfering with religious faith or practice! They disgraced their sacred cause, and came down from the high ground of solemn and fixed principles. The Dissenters should command his support so long as they were consistent with themselves, but when they sought to compel the consciences of others, he would oppose them.

Sir *Eardley Wilmot* was not one of those who thought the Church should be supported by a tax upon land; but he thought, that instead of twenty-five years' purchase given to the present incumbents of parishes by the Tithe Bill, they should get twenty-six per cent to keep the Church in repair.

Mr. *Gillon* disagreed with the hon. member for Stamford when he said, it was Church or no Church; also, when he said, that kings and queens were the best supporters of the Church. If they were, they ought and would advance the small sum (250,000*l.*) annually to keep up the Church. The hon. Member also stated, that the majority of the country was in favour of a Church Establishment and that the whole amount of the rate was 3*d.* a-head upon the population. Now, if the friends of the Church formed a majority, and the amount was so small, why did they not pay 6*d.* or 7*d.*, and prevent the Church from tumbling about their ears? He trusted, that the Dissenters would not rest until they had obtained a complete severance of the Church and State.

Sir *Daniel Sandford* said, that what the Dissenters wanted was, to abstract from the Church its property for the purpose of applying it to secular affairs. That was simply the amount of their prayer. He warned the hon. member for Dublin, and other hon. Members, how they supported their claims. Their advocacy of the cause of the Dissenters must naturally deter that House from making concessions, because, if Parliament dared to do so, it would only open the door to those whose wish was, to deprive the Church of its all. But this he would be able to show on the proper occasion. He repeated, that what the Dissenters asked for was, to be allowed to plunder the Church of its property; and he asserted, that to recognize such a right, would be to endanger the whole of the property of the kingdom, and place the country under the worst species of religious despotism. He challenged any hon. Member to show him any two points in which the Dissenters agreed, unless it was in their repugnance to the Church Establishment. He disagreed with the hon. member for Middlesex's calculation, that the Dissenters in England exceeded one-half of the members of the Church of England; in Scotland they certainly did not amount to more than one-sixth of the population. He was himself a speaking proof of the truth of his assertion, because he came from a city more unfavourably inclined than any other in Scotland, to the Established Church of that part of the empire.

Mr. *Aglionby* protested against the question being discussed as a question of theology. He denied, that the Church and religion were synonymous terms.

Mr. *William Evans* said, that the Dissenters had been much misrepresented in that House; they had no desire to touch the property of the Church. If he thought such was their intention, he should withdraw his support from them.

The Petition was laid on the Table.

Mr. *Mark Philips* presented a petition from the Dissenters of Manchester and its vicinity, praying for the separation of Church and State. It was agreed to, the hon. Member said, at a very numerously-attended meeting, which was marked by protracted debate, and then by adjournment. He had not heard one dissentient vote. The petition declared, that an establishment was an infringement of the right of conscience; and it therefore prayed for an entire severance of Church and State. The hon. Member read the petition. It prayed, that there might be, with as little delay as possible, a separation of Church and State—that the Bishops might be relieved from attendance in the House of Peers—and for registration, &c. This petition was signed by 32,000 persons. It was honest, frank, and undisguised. It was open and clear. What was required was distinctly avowed, and reasons were given for every demand made; and the petitioners being thus open and candid, as well as numerous, deserved the serious consideration of the House. This open avowal of sentiments, the taking of such high ground, must, in the estimation of some, injure their cause; but though that course might scare the timid, he could not help thinking that their open and manly course was the better one, and the more likely to be ultimately successful. In common with the petitioners and many others, he could not but grieve that the Government had brought forward such inefficient measures for the relief of the Dissenters. The last measure, respecting rates, was particularly reprehensible, because, as the Dissenters resisted on principle, how could they be satisfied with a measure which threw the charge into the general taxation of the country, instead of fixing it on the members of the Church Establishment exclusively. He concurred in the opinion so well expressed by the petitioners, that the forced support of an establishment was an encroachment on conscience. He considered, that the connexion between Church and State had been productive of infinite mischief, as the disgraceful proceedings of "Church and King" mobs in Birmingham, and even in Manchester, on former occasions, had proved; but he trusted, that such very disgraceful scenes were not likely ever to be repeated. He trusted, that the question would be discussed with calmness and temper, the best proofs of conviction of the honesty and purity of the cause supported. The Church had been a political engine. Its advantages had been almost wholly enjoyed by the scions of the aristocracy, which was a distinct proof of the political and unhallowed character of the union.

Petition laid on the Table.

Pension List.] Mr. *Harvey* rose and said, that he could assure the House that if he had possessed the courage to withstand the imputation of a political instead of physical indisposition, he should not have appeared there that evening, for he was rendered very incompetent by illness to do justice to the subject which he was about to bring forward. However, it would have this good effect, that it would compel him to consume as little of the time of the House as would be necessary for the proper understanding of the question; and though it had been their fortune lately, whether good or bad he would not say, to hear that illustration of oratory which declared, that a good speech could not be comprised in less than six hours, he should endeavour to compress his remarks into a twelfth part of that time. It was a pleasing task to have to thank Government for the courtesy which had been extended to him, because, although the Motion of which he had given notice was not a palatable one, not only had no obstruction been offered by the Government, but every facility had been given for bringing it under the consideration of the House, and that, too, at a time when the state of public business afforded many methods for deferring the Motion. He thought, that it was a curious coincidence that the Poor Laws' Amendment Bill stood upon the Orders of the Day, because much of the principles and objects of his Motion was to be found in that Bill; because, if the landed interest, who were now looking for relief from the burthen of supporting those who lived upon the country without contributing to its resources, and whose only defence was a low and disgusting idleness—if no man was to receive any thing without rendering an equivalent for it, the same wholesome principle should, of course, be extended to the higher classes of society. It would be fitting for the proper understanding of his Motion, that he should lay at once the terms in which it was framed before the House; and this was the more desirable, as one of the busy rumours that were always floating about had informed him, that he would have to encounter an Amendment to his Motion. But it was unfortunate that he should have to encounter a debate he had not heard, and a Resolution which he had not seen, but which was, nevertheless, to be submitted to a deliberative Assembly. If he were to put faith in the rumours which prevailed abroad, he might doubt if he were now addressing a deliberative Assembly. It had been said, that the matter was already determined by the Parliament in Downing-street. It was stated, that there it was arranged, that no matter what might be the nature of the Motion, no matter in what manner it might be urged, or by what arguments it might be supported, all was to avail nothing, because it was to be apprehended that its success would lead to a catastrophe which no one could contemplate without horror and alarm. Now, to him it appeared very extraordinary that such feelings should be excited upon the occasion of a Motion which the individual who proposed to submit it to the consideration of the House had never yet shown to any human being—a Motion, of which he knew not who would be the seconder, if, indeed, he were fortunate enough to find a seconder for it—a Motion which had been got up without concert with any individual in or out of the House. If he were actuated by motives of hostility to the Administration, it must at least be admitted, that he had chosen rather a novel mode of assailing it. In former times, when Governments were tottering to their fall, or when the hopes of their opponents were high, the approved method of proceeding was to attack them under the cover of some unmeaning Motion, by which the assailants, if victorious, would not be bound; and, moreover, it had always been the practice in their tactics to put this Motion into the hands of some distinguished individual, who might naturally be supposed to have a reversionary interest in the discomfiture or defeat of his adversaries on the Benches opposite. Thus it was, that the Foxites, on many occasions, "saddled White Surrey for the field," and threw the burthen of the attack not only upon the most intelligent but the most eminent of their party. Nothing of this kind, however, was to be observed at present in the style or arrangement of his attack; and if the Government fell now, it would fall by the power of truth alone. It would fall by the force of a principle then asserted and set forth, in which the whole country concurred, and in the expression of which it sympathized, and if the Ministers now lost their seats, they would lose them because they did not deserve to retain them. For his own part, he had to say, that he neither desired nor dreaded the overthrow of any government. He hated the very name of party. He had hoped that one of the best results of the Reform Bill would have been the assemblage of a body in that House, embracing the ablest men of all sides, who would have no regard to the old ties of party, and look to nothing but the good of the people and the advantage of the State. He would, however, at once explain his Motion by reading the Address he meant to propose, and then he would state the real case on which he asked the House to vote. The hon. Gentleman read his proposed Motion to the effect—"That an humble Address be presented to his Majesty, praying that he would be graciously pleased to direct an inquiry to be made into the consideration of each pension as it appears in the List ordered to be printed by his faithful Commons on 28th August, 1833, with a view to be assured that such persons only are in the receipt of the public money as have just claims on the royal munificence, either by services rendered to the Crown—the performance of duties to the public—by useful discoveries in science—by attainments in literature and the arts, which have deserved the consideration of their Sovereign, and the gratitude of their country." They were indebted to the existing Government for a very clear and precise exposition of what were the merits and services which should be possessed by such individuals as appeared upon the Pension-list. It might be well, accordingly, bearing in mind the ministerial description of the due claims and qualifications of a pensioner, to look at the present Pension-list. He would state to the House the number of individuals, taking it as it appeared upon the Return, without allowing for the few deaths and resignations which might have taken place since the production of that Return. From this it appeared that there were 1,303 persons on that List in the receipt of the public money. Of these, 281 were gentlemen, and 1,022 were ladies. Of the gentlemen, eighty-four had titles; of the ladies, 124 had titles; making in all 208 titled pensioners out of the 1,303 persons on the List. At the commencement of the present reign the amount received in pensions was 159,176*l.* and before the present Government succeeded the Government they displaced, and before the state of the Civil-list was brought under the consideration of that House, and Ministers proposed to deal with it after a different fashion, it was suggested, that a specific sum of 144,000*l.* per annum should be appropriated for the payment of pensions. He stated this, to lead the House to a right understanding of the view of the matter taken by him, and this in justification of the question now brought forward. He referred to a recent period that they might be in possession of the opinions professed by his Majesty's Government, when the Gentlemen who then composed it sat upon the Opposition Benches. It would be in the recollection of the House, that the overthrow of the Wellington Government was mainly to be attributed (certainly in addition to other and more general causes of hostility), but was mainly to be attributed to their pertinacity in supporting that Pension-list. The vote, in fact, by which they were extinguished in office, was on a Motion upon the subject of this List, made by the right hon. Baronet (Sir Henry Parnell), then member for Queen'sCounty. The Chancellor of the Exchequer of that day proposed in the discussion upon the Civil-list, that 144,000*l.* should be set apart as applicable to the Pension-list. It was then contended by the hon. Gentlemen and noble Lords now upon the Treasury Benches, and especially by the noble Chancellor of the Exchequer, that the Pension-list should not be voted until it had been first submitted to the examination of a Committee. That Motion was pressed. It was unsuccessfully opposed. It was carried by the party then in Opposition, now in power, and the Wellington Administration retired. When the present Government succeeded, it was expected that they would have forthwith adopted that course of proceeding which they had before so strenuously advocated. But the noble Lord, the Chancellor of the Exchequer, contended, in the first instance, for a simplification of the Civil-list. He maintained, that the ten prominent items might for the future be reduced to five. He would not enter into the details upon this matter; he would not touch anything which had not reference to the Pension-list. The plan the Chancellor of the Exchequer suggested, with respect to this List, was, that instead of the whole sum being voted in the aggregate, 75,000*l.* should be placed permanently on the Civil-list, and that the residue, 85,000*l.* should be charged upon the Consolidated Fund. That mode of dealing with it excited great opposition, because those who had swelled the number of the present Ministers' majorities—they on whose tide the Ministers rolled into power, were not disposed to forget the arguments by which the Motion for a Committee of Inquiry had been supported both by themselves and the hon. Gentleman who had then achieved official greatness. They thought then, as they did now, that a sincere, an honest, and impartial, investigation of this List was absolutely necessary. The noble Lord differed with them, thinking that his prospective reduction of the expenditure on the List from 144,000*l.* to 75,000*l.* was such substantial evidence of a disposition to economy upon the part of his Majesty and of his Ministers, that it must satisfy the most scrupulous, and entirely close the door against investigation. At this stage of the debate he considered it right to say, with the view of preventing misrepresentation or mistake, that it was not his intention to impair, by a single fraction, the sum which had been then voted to the Crown for the purpose of rewarding those merits and services which had been so admirably described in the Amendment carried by the hon. Secretary opposite only the other day, and now embodied in his Motion. The great mistake which those who opposed the Address fell into was this (he admitted that if any good grounds for that on which they founded their opposition could be established, or recognized by that House, as Representatives of the people, it would be conclusive); but the mistake they fell into was this—they considered and contended, that a solemn treaty had been made between the Representatives of the people on the one hand, and his Majesty on the other, by virtue of which a certain sum of money was left altogether at his disposal, as a provision for his Civil-list—a sum which was to be beyond the scrutiny and control of that House. Allow him to say there was a great fallacy in this, unless they could show, that in reference to this Civil-list, Parliament and the present Sovereign were differently situated from all former Parliaments, and from all preceding Monarchs. It was contended by the noble Lord, the Chancellor of the Exchequer, in 1828, upon the occasion of a Motion made by his hon. friend the member for Middlesex, that although the amount of the Civil-list might not be impaired, yet that the appropriation of it was under the control and scrutiny of the House. This treaty, if it existed, (if he, indeed, might be allowed to talk of such a treaty, by which the rights of the people and the duties of their Representatives were compromised, by which that most important sacred right of the House of Commons, namely, that of watching over the expenditure of the public money, was placed in abeyance)—he said, that if this treated existed, it must contain in it some special provision—some regulation by which no other Parliament under any other Sovereign was ever before bound. He knew, that it was an inconvenient course, and one open to criticism, to allude to speeches of hon. Gentlemen delivered under different circumstances from those in which they were then placed—circumstances that must in a great degree have led to the formation of the opinions which they expressed. He could fully recognise the force of this with respect to matters of detail, or affairs of secondary interest and importance; but he as decidedly could not admit it in reference to great principles— principles that formed a party—principles on which that party had gained a high reputation—principles in which the people of England sympathized, and whose triumph they hailed in the ascendancy of the noble Lords and the right hon. Gentlemen opposite—from whom they expected a practical performance in accordance with those principles by the profession of which they had distinguished themselves, and from the love and confidence of the nation. When principles such as these were in question, he would not be deterred from alluding to the speeches of hon. Members, however inconvenient it might be, or however severely it might press upon individuals. When his hon. friend, the member for Middlesex, made the Motion to which he (Mr. Harvey) had before alluded, he was met by the government of that day with this opposition. It was argued, that although it could not be denied, that on the accession of a new king, it would be the duty of the House to fix the Civil-list, and to sanction the items of which it was to be composed; yet, that after it was once passed, whatever might be the objections to it, they could not with propriety be urged—a contract had been made which could not be broken, one which should be felt as a sacred engagement, entered into between the king and the nation, through the representatives of the people. The ground of opposition, then, was, in a word, that to call for an investigation of the civil list, was an invasion of the prerogative of the Crown. Whatever objections there might be to it, the deed had been done, a treaty had been made, and it was to be respected as one only to be touched, under the sanction of the deepest reproach to him who might propose to meddle with it. How was this met? It was said, that n one then, as no body did now, proposed to diminish the amount of the grant; all that was contended for was, that no money which the people supplied could be paid away, excepting under the sanction, and subject to the rigid scrutiny, of those to whom the public purse and its care had been committed. This, in his mind, was a proposition which no honest man could doubt—one in which every Member of a reformed Parliament should be most anxious to concur. The noble lord (the Chancellor of the Exchequer) at that time stated, " The right hon. gentleman said, it was not desirable to bring the Crown into unnecessary contact with the House of Commons upon the subject of the Civil-list. His hon. friend desired no such thing; he merely felt it his duty to ascertain whether certain sums had not been improvidently disposed of. The right hon. Gentleman's arguments would go to the resistance of the production of the whole

Pension-list, but he admitted, that the Irish and Scotch lists could not be withheld. If, however, there was nothing discreditable in the expenditure, why should it be resisted? The responsibility of misapplying this fund must rest somewhere; but if the right hon. Gentleman's arguments held good, how was that responsibility to be ascertained? The right hon. Gentleman maintained, that the list could not be produced, unless some case of gross abuse was pointed out. If, however, the list was not to be subjected to examination, how could Members ascertain the abuse which was to warrant the call for a production of the list? Although these pensions were placed at the disposal of the Crown, they must be given under the responsibility, and by the advice of, Ministers; and therefore the House had a right to demand such information as would enable them to ascertain whether the advice given was strictly followed."* These constitutional arguments, so worthy of the noble Lord, were rejected, as a matter of course, at that time. No one then doubted—all men observed the eminent position which the noble Lord then held—and anticipated for him the distinguished place upon the treasury benches to which he had since been elevated. No one, he repeated, doubted, that whenever those great principles which the noble Lord had so ably and so eloquently advocated, were brought under the consideration of the House—no one doubted, that, whether the noble Lord were in office or out of office, these principles would have his full recognition, and his most strenuous support. Again, in 1830, when the Civil-list was under the consideration of the House, and when the right hon. Baronet, the Member for Dundee's motion was under debate, the same grounds were taken by the Chancellor of the Exchequer. These same grounds were then successful, and they led to the overthrow of the Wellington Administration. But how had the Government carried out those important principles? They left the appropriation of 75,000*l.* to be set apart and dealt with in the same manner as the 144,000*l.* in the former reign. The Chancellor of the Exchequer proposed, that 510,000*l.* should be applied to the Civil-list under five heads, one of which was the Pension-list. That Civil list was referred to a committee. This, however, was more a matter of form than—he would not say—of honest or useful inquiry—for the statement of the noble Lord was, that to have the whole list open to scrutiny would be impolitic, and inconvenient, and unjust. Therefore, while he proposed other matters, he protested against a full and entire inquiry; and, in fact, the Committee was so fettered in its functions by not being allowed to send for persons or papers, that it was little better than a cheat. Thus it would appear, that those who, while in opposition, professed the utmost desire to bring the appropriation of the Civil-list under the consideration of the House, yet, when they found that their arguments had led to the adoption of that amendment of theirs, by which they were virtually bound to a committee of inquiry not less searching than they recommended while in opposition, they discovered, when in power, that this course would be so inconvenient, that although they could not, in decency, altogether swamp the committee, yet did they determine to make it altogether ineffectual by depriving it of every useful proper power. He held in his hand a report of the committee which sat upon the Civil-list, which contained a passage referring to that branch now under the consideration of the House. It stated, that the amount of pensions then existing for England, Scotland, and Ireland, was 170,000*l.*, which it was proposed to reduce to 144,000*l.*, as it was, indeed, in like manner, proposed by their predecessors in office, by the reduction of a per centage upon it. But, for the present, the Pension-list was approved of free of all reduction. The committee made this statement, 'That, adverting to all the 'circumstances of the case, we consider 'that no material relief to the finances of 'the country could be derived from the 'most rigid measures of retrenchment ap'plied to the Pension-list; that in many 'cases severe distress, in some actual in'justice, would arise to individuals from 'the general discontinuance of pensions; 'that such discontinuance, on the occa'sion of his Majesty's accession, would 'be a departure from a usage invariably 'observed on the accession of his Majesty's 'predecessor, and your committee do not 'think it advisable to withdraw from the 'Crown those funds which may enable 'the Crown, if it shall so think fit, to 'continue the pensions on the Civil-list of

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* Hansard (new series) xix. p. 835.

'his late Majesty.' That was their report, as far as regarded the 75,000*l.*; the residue was to be made matter of subsequent arrangement. It had been said, that the pension-list, not only in its amount, but also in its componency, was recognised by the committee. He denied that it was; he maintained, that here was a radical mistake. They gave to the Crown 75,000*l.* to dispose of in pensions—to his present Majesty, he should say—but they had not imposed upon him the dictation of the mode in which it should be expended, or declared the particular persons who should be the objects of the royal bounty. The appropriation was in the breast of the Crown, under the regulating control of Parliament. It was idle to contend, as some did, that whatever might be the blemishes on the list, it was binding on the Crown and the two Houses of Parliament, and that all investigation was precluded. There was a constitutional right in the King to appoint the manner of using it, but to see how that was done was the peculiar province and prominent duty of that House. The same remarks applied to the remaining portion. Thus it appeared, that, although the Chancellor of the Exchequer had declined to diminish the amount of the list at the moment, yet had he done so prospectively. He did not deny, that a great amelioration in the arrangements, prospectively, had taken place under the auspices of the noble Lord. If he did, he should in truth be guilty of those factious feelings which had been attributed to him. There had been amelioration, because, while the old Government were determined to maintain the Pension-list at the amount of 144,000*l.*, this Administration had decided upon eventually diminishing it by 69,000*l.*, by causing pensions, as they gradually fell in, to sink into the consolidated fund. But, while he contended, that the appropriation of the Pension-list was under the control of Parliament, he admitted, that the amount could not be touched, during the existing reign. When the time came for the revision of the list, it was the duty of Parliament to make ample provision for the dignity and splendor of the Crown. It was their duty, also, to see that there was no profusion; while they were, on the one hand, liberal, on the other hand, they should not be profligate in their expenditure. While they provided amply for the comfort and convenience of the monarch, and granted him, as far as might be within the bounds of moderation, and the dictates of his generous heart, the means of rewarding his subjects, yet should they be cautious, that the establishment should not be constructed on such a scale of extravagance as might entitle the country to complain. And, indeed, all this was prominently put forward when the Pension-list was argued, by more than one of the hon. Gentlemen on the opposite benches. It was contended, too, at that period, that the Pension-list ought not to be settled till the Members of that House had made an appeal to the people. It had been before strongly urged, when the right hon. Gentleman, then the Chancellor of the Exchequer, proposed 144,000*l.* for the amount of the list. It was maintained, that it was the bounden duty of every man to learn the sentiments of his constituents on a point on which they felt so intensely interested. He did not wish to trouble the House with quotations from the reports of speeches delivered at that time; he would only say, that more than one of the present Ministers then protested, from the opposition benches, against the settlement of the list, until an appeal had been made by all men in that House to their constituents. The noble Lord, however, after the question of the Civil-list had been disposed of, moved a vote of supply, amounting to two hundred and odd thousands of pounds, for current expenses, in which there was an item for the payment of the pensioners from the period of the death of his Majesty to the present time. Then did the hon. member for Middlesex protest against even this partial recognition of the componency of the list, and of its amount. Objections, too, were taken to the course proposed, by many other hon. Members, and the only way in which the noble Lord could parry these objections, was by assuring the House, that, in sanctioning this temporary arrangement, they would not be in the least committed with respect to the great point of the investigation of the Pension-list. Now, he would be content to reduce his motion to this question —had that list, in any one particular, ever been investigated? There were several hon. Gentlemen present, who had sat upon the Committee, and he would ask them, if the Pension-list, either in its details, or its aggregate, formed any part of their inquiry? It was impossible! He maintained it was impossible, for although the body that investigated that list, might have been a partial one—though the recipients of the public or royal bounty might have had many friends upon it—yet it could not be supposed that there had been the slightest attempt at investigation, or else it must most assuredly have led to some reduction in the list, however small that reduction might be. Therefore, because the list remained unimpaired in all its hideousness, because there had not been one farthing of money saved to the people, he had a right to conclude, that the list had not been investigated. He would then call upon the House, if the list, though it had been prospectively diminished, yet had not undergone revision. —he would call upon them, and ask them if they were prepared—they, Members of the first House of Commons which had been returned by the agency of the people—were they prepared to oppose the investigation of this odious list, and to do this under the imputation of being alarmed by a treaty, or menaced by a threat?—They were told, that inquiry, however proposed, in whatsoever form (he was not curious about the form), would be opposed by this Government, which might be considered as a distillation of the purity of Whiggery. They were, it was said, determined to stake their importance —they were content to have their greatness read in future histories as connected with their magnanimous defence of that Pension-list which ought to have excited the abhorrence of every honest man that ever looked at it. They, members of a Reformed Administration—the authors of the measure of Reform, were disposed to signalize themselves as the champions of a list which all men should condemn. They were ready to risk all the reputation they had won. They were disposed to sacrifice all those prospects of benefit to the country which, from their position, they might have hoped to be enabled to bestow. All this they were ready, disposed, content, willing, determined to do, that they might enjoy the unutterable honour of coming forward in that House as the defenders and apologists of a list in which it would be difficult to put the finger upon any one name which would not invite suspicion. On a former occasion he recollected a motion such as this had been resisted by the right hon. Secretary of the Treasury, upon the grounds that the task it proposed for hon. Members would be a disgusting occupation—that it was a service such as no man would, if possible, encounter, and from which every delicate sentiment must shrink. Certainly this, it must be allowed, was no very high compliment to the persons upon this list, many of whom were nevertheless members of the fairest and proudest families in the country. No high compliment, undoubtedly, when he insisted that an investigation of the claims in virtue of which they enjoyed their pensions would excite in the breasts of those to whom the duty was intrusted, such shuddering sentiments of abhorrence, as could not be controlled, or disguised, or endured. Well, this difficulty might have existed on a former occasion, but it was now obviated by the terms of the present Motion. He thought, that the House ought to present an Address to his Majesty, as the fountain of all favour, inviting him to investigate the Pension-list. That was the object of his Motion, and he thought, that no course would be more acceptable to the party addressed, or to those whose duty it was, to give responsible advice to the Crown; indeed, he was inclined to believe, that the threatened opposition was merely an affected sentiment of delicacy on the part of Ministers, and that in reality they would be well pleased that the Pension-list should be investigated, in order that all their past pledges and promises might be realized. If, upon examination, it should be found that any of the pensions charged upon the consolidated fund were improperly granted, and ought to be withdrawn, the money thus released would not be at the disposal of either the King or his Ministers, but would form a fund for the benefit of the people. How stood the matter? 75,000*l.* were given in the Civil-list to be appropriated as the King thought fit, subject to the control of the House; and the remainder was placed on the Consolidated Fund, with the understanding, that as the parties receiving the pensions should drop off, the amount of their respective pensions should be brought into the general public treasury. It appeared to him absurd to contend that the King was bound to retain upon the list all persons who stood upon it at the time the last arrangement was made with respect to pensions. He was the more disposed to come to this conclusion, because it was impossible for any one to run his eye through the list, without being struck with the defective titles of some of those who figured there. He was aware that it might be considered an injudicious course to refer to particular names—he did not mean injudicious as regarded the effect which it would produce elsewhere, but injudicious inasmuch as it was calculated to produce a division of discussion, because he knew that it was scarcely possible to name any one individual out of all those who pocketed the 130,000*l.* a-year in whose favour one hon. Member at least would not start up and say " that though he was not the general advocate of the Civil-list, and though he objected to the principle upon which it was defended, yet as far as regarded the individual whose name had been uncourteously introduced, if there was one man who of all others ought to be upon the list, the individual mentioned was that one." Then the House would be entertained with sketches of family history, such as had been furnished upon a former occasion respecting the two Misses Gossett. He was perfectly aware that, by referring to particular names upon the Pension-list, he should afford an opportunity for the introduction of such drivelling details as he had alluded to; but he would run the risk of that. It was necessary, in order to show the extreme anxiety which prevailed in the public mind upon this subject, not so much on account of the amount paid for pensions, but because of the principle involved in the question. Gentlemen in that House, who formed a community — a sort of little world of their own,—and who knew scarcely anything beyond what passed in that House and in Downing-street, might be indifferent to what the country thought, whilst they continued to serve the Government. He could, however, venture to inform Ministers, that a deep and intense feeling pervaded the community, both intellectually and numerically, with respect to this question. The Government had lately propounded a measure for the alteration of the Poor-laws, one of the provisions of which was, that, after a given day, no person should be a recipient of parochial relief, even although as to the length of time in which he had been in the habit of receiving it, he might almost run a race with some of the most venerable names upon the Pension-list. No sympathy was shown for the vested rights of the poor; no, that was reserved exclusively for honourable duchesses, and for the flitting shadows of fashion. It was a disgrace to any man in the country who had wealth at command to allow the name of a relative to stand upon the Pension-list. We had laws by which a son or a grandson could be compelled, if he should forget the everlasting obligation of nature, to support those who reared and protected them in helpless childhood. Why should not the same principle be applied to the persons on the Pension-list and their relatives? There might be upon that list individuals who, when first placed there, were objects of compassion, but who had grown into opulence by the accident of connexion on the better fortune of their associates, and, in such cases as these, the advantage of his address was apparent, because it would afford an opportunity for those quiet, delicate communications, which would carry a charm with them, inasmuch as they would proceed from royalty. A hint from such a quarter would produce a greater effect than the strongest resolution of a committee. He had no doubt, that when the tree on which so much rotten fruit hung should be shaken by a royal hand, very little would be left worth any one's gathering. He proposed, however, to show the anxiety which prevailed on this subject throughout the country, to read a few of the names which had been pointed out to him from various quarters, with the accompanying remarks thereupon. He could assure the House, that this subject had been no sinecure to him, either with reference to the number of dull speeches which he had been compelled to wade through, or the communications which had poured in upon him from all quarters, and which he had been compelled to answer. The hon. Member then read the following statement and list:—

" The following list will enumerate some of the favoured enjoying pensions, who are pluralists, by holding situations under Government. It will designate many who have never performed any public services, and consequently obtained their emoluments from Court or Ministerial patronage. It will also point out those whose pensions should have ceased when otherwise provided for by marriage or inheritance. The noblesse, whose poverty has arisen from their forefathers' extravagance, may claim assistance from their own order, but can have no right to be quartered on the revenues of the country.

The first person pointed out on this list was—

"Lord Aylmer, whose pension is 356*l.* per annum. He is Captain-general of Canada (some thousands a-year), and colonel of the 18th foot." Now, he asked whether that was true? He wished for an answer "ay" or "no." A word from his Majesty would stop this pension.

"Lord Aston has good Church preferment, besides a good private fortune." Was that true? His Lordship's pension was very small; but then it was the more contemptible in him to receive it. Nothing, however, was too small for the pensioners to grasp at. Some persons in the list received, in driblets, five or six pensions of 50*l.* Such persons were always at the elbow of the Minister or the Monarch, and their importunities were not unfrequently bought off by a pension. Lord Aston condescended to receive 97*l.* out of the labour of the working classes.

"Lord Auckland is Master of the Mint, President of the Board of Trade, and Commissioner of Greenwich Hospital; his pension is 300*l.* per annum, which he foregoes whilst holding his present offices." Lord Auckland did not receive his pension whilst he was in office, and he wished that principle to be applied to all pension-receivers. If they derived a good income from other sources, they ought not to receive their pensions. He would not then stop to ask what was done with the amount of Lord Auckland's pension, whilst it was in abeyance, but he did not recollect that any reduction was made from the last grant on that account.

"Sir John de Blaquire enjoys a pension of 1,072*l.*, and again, as Baron, of 893*l.* 13*s.*" This was a monstrous case. Sir John received his first pension in 1794, and having served an apprenticeship of eight years, was raised to the peerage, and received 893*l.* 13*s.* a-year more.

"Lord Bloomfield is colonel of a battalion of artillery, and has 936*l.* 16*s.* per annum." No doubt, a whole host of Members would rise in their places to eulogize this noble Lord, and to express their regret that he had not received some more solemn and substantial mark of his country's approbation.

"Charles Oldfield Bowles, and Elizabeth, his wife, have a pension of 192*l.* He was a private secretary to Mr. Goulburn for a short time. He is colonel of the Oxford Militia, from possessing a large property in the county." He supposed the right hon. member for the University of Cambridge would by-and-by favour the House with a biographical sketch of this happy couple. It would be observed that he mentioned the names of no persons who were not likely to have some friend in the House to speak on their behalf.

"Sir Henry Browne has 200*l.* per annum, and 200*l.* more as Thomas Henry Browne. He is on half-pay of the 23rd Foot. His rewarded services consisted in having been the aide-de-camp to the present Lord Londonderry, when Ambassador at Vienna, and was sent to Milan, on the delicate mission of gaining information relative to the conduct of Queen Caroline." He never before knew the value of a title; but it was clear, that the being made a "Sir" was worth 200*l.* a-year to Mr. Browne. He was desired to refer any person who wished to know how well this gentleman had earned his pension, to the trial of the late Queen.

"The Earl of Cavan has a regiment, and is a governor besides. He has 266*l.* a-year.

"The Baroness Cathcart, wife of Lord Cathcart, (he is colonel of the 2nd regiment of Life Guards, 1,800*l.* per annum; and a retiring pension, from having been Ambassador and Governor of Hull) enjoys a pension.

"Dowager Lady Clare has 780*l.*, the widow of the rich ex-Chancellor.

"The Marchioness of Carmarthen, 700*l.* Her husband is heir to the Dukedom of Leeds.

"Marianna Cockburn, sister to Viscount Hereford, 115*l.* 19*s.* 6*d.*; is the wife of Sir James Cockburn, who has 1,000*l.* per annum as Inspector of Marines. She and her four sisters had pensions granted of 115*l.* 19*s.* 6*d.* when young; but it never was contemplated, that on their marriage these pensions should continue. This was a case which came within the principle he had laid down, that pensions should be superseded on the success of the receivers of them in other departments.

"Juliana Maria Eyre is another sister, a widow, with a jointure of 600*l.* a-year.

"Georgiana Maria Gwynne, another sister.

"Charlotte Wellington, another sister; and

"Catherine Eliza Wilkins, the fifth married sister, lately married (from her widowhood) to R. Stretton, Esq., High Sheriff this year for Breconshire; her former husband left her 2,000*l.* a-year jointure.

"Lord Elphinstone has 138*l.*; also 276*l.* 10*s.*, and again 138*l.*

"Eliza Mackenzie, and Ruth Elphinstone, 276*l.* 10*s.*

"The Eden family have 407*l.* per annum.

"Mary Gwynne, if the widow of General Gwynne, has, as such, a pension; she besides receives 400*l.* a-year.

"Earl Home is too wealthy a nobleman to receive 276*l.* per annum. 'This is too bad.'

"Viscount Hereford receives 115*l.* 19*s.* 6*d.*, which was granted to him at the same time as similar annuities were to his five sisters. What makes his case most glaring is, that he inherits also his father's pension of 467*l.* He has two seats in Wales, Fregoyd and Nancribba, and lately bought of the Crown a manor adjoining the town of Hay, thereby extending his own grouse manors.

"Thomas Knox Holmes, 500*l.*" This was the only case in which the paper he was reading from stated the consideration for which the pension was granted. It was stated to be given to Mr. Holmes, as the son of the whipper-in of the late Administration; and he (Mr. Harvey) could honestly say, that a more faithful whipper-in Government never had.

"Sir Herbert Taylor is the Colonel of the 85th regiment, notwithstanding he has 930*l.* pension.

"Sir William Johnstone 714*l.* per annum: a rich Baronet.

"Lieutenant-General Knollis, 400*l.* per annum; he receives besides a Lieutenant-general's pay, and is also Governor of Limerick." [A *Member* on the Treasury Bench said, "He is dead."] "That," rejoined Mr. Harvey, "is the best answer to my observation."

"The Rev. William Kuper, 400*l.* 15*s.*; a chaplain to the German chapel.

"Dame Fanny Lushington, 350*l.* per annum, and the Hon. Ann Lushington, 624*l.* per annum, and her four children. A Governorship in India ought to satisfy the Lushington family, who have enjoyed good situations for so many years.

"George Leigh, and Mary his wife, 700*l.*; he was a personal friend of the late King, and commanded the 10th Light Dragoons. This is a pension *extraordinaire.*

"The Earl of Minto, an ambassador 924*l.*

"Lady Louisa Murray." Of this lady he would say nothing, because her husband had just been successful in another place.

"Lord Montford, 467*l.*; ditto, 155*l.*

"Lord Strangford condescends to take a pension of 85*l.* He has the retiring pension of an ambassador, 2,000*l.* per annum; Maria Dowager Strangford has a pension of 233*l.*; ditto, 266*l.*

"Lady Ann Culling Smith, 600*l.* Sister to the Duke of Wellington; her husband a rich man.

"Sir Simeon Stuart, 200*l.* A rich Baronet, who never performed any public service.

"Lieutenant-colonel Meyrick Shaw, 500*l.*; ditto 499*l.* He was private Secretary to the Marquess Wellesley in India, and also in Ireland. One pension would be adequate. He is now employed again.

"The Earl of Tyrconnel, 690*l.*; ditto, 445*l.* He married Miss Crowe, of Kiplin-park, Yorkshire, a very rich heiress.

"Thomas Lord Walsingham, a dignitary of Winchester Cathedral; he has 636*l.* per annum.

"Lady Matilda Wynyard, 467*l.*; the wife of General Wynyard.

"Sir F. Watson, 936*l.*

"Emily Marchioness of Westmeath, sister of the Marquess of Salisbury and wife of the Marquess of Westmeath, cannot expect to be supported by the public. She has 386*l.* per annum.

"The Rev. Alexander Sterkey, the Swiss Minister, 400*l.* 15*s.*"

He had very little doubt, that the paper he had read would call forth eulogiums upon the individuals referred to in it so long, that if the House were disposed to listen to them, the present discussion would rival in length the six nights' debate which had lately occurred. The reading of that paper would do good. It would be recollected, that this was the list upon the protection of which, in all its integrity, it was said, that the Ministry was prepared to pledge its existence. He must be excused for saying, that judging from the past conduct of Ministers, he did not believe they meant what they said. Their cry of resigning had been repeated so often, that it had lost much of its power. This was about the fourth time they had held out this kind of threat. When this subject was before the House on a former occasion, the noble Chancellor of the Exchequer intimated, that if the House were determined to give a practical character to their economy, instead of contenting themselves with the professions of Ministers—if they would attempt to run before them instead of following after them, they would throw the country into a dilemma by resigning, inasmuch as they combined in themselves all the elements of which an Administration could be formed. History could not furnish a suggestion half so ridiculous as this. If the present Government, and all in that House who ever belonged to the Government, as well as all who might think themselves fit to form one (and after the specimen of Government they had, he knew not who might not think so), be swept away, the intellectual resources of the country would immediately furnish men capable of being its rulers. He hoped, that this Parliament was not to be the image of future Parliaments. They had been brought together, as was said the other day, in allusion to the hon. member for Carlisle, the awkward squad of Reform. They were mere memorials of local gratitude, and sent to that House, because they had been the agitators of provinces rather than on account of their peculiar fitness. What did they, especially the new Members, know of the science of Government? He believed, that future Parliaments would contain men of enlarged and philosophical views, who would proclaim that there should be nothing unintelligible connected with Government, who would try everything by the test of utility, and cast aside, like any other rubbish, whatever could not stand that test, whether it related to Court or Parliament. No doubt, Ministers would, on the present occasion, as they had before, act upon the hint contained in the anecdote of Charles 2nd, and rely upon the bad character of the persons who would probably succeed them in office, rather than upon the excellence of their own reputation. It was related, that Charles, one day, walking unattended up Constitution-hill, met his brother, James of York, well guarded by soldiers. James expressed his surprise that he should go out in public unattended. "Oh," replied Charles, "there is no danger of my life, as long as the people know who will be my successor." The late Government acted upon the Scriptural injunction of turning the second cheek to the enemy, after he had smitten one. The present Ministers continued to abuse them, and they continued to support Ministers. They would not desert prerogative. They had uniformly maintained, and for that he gave them credit, that the King had the sole control over the Pension-list. They admitted, to be sure, that at the death of the reigning monarch, which, in a parenthesis, they expressed a hope might be far distant, a new arrangement on that subject might be entered into. This, however, was a system of which the noble Lord complained, when he was in opposition. He had occupied the attention of the House for a long time, whether he had made himself intelligible was another question. He could not understand, and till he saw it, he should not believe, how any Member who had voted for his former Motion could oppose that with which he was now about to conclude. He could well understand how many Members who had opposed the former Motion should support the present. It was objected to the former Motion, that it would be disgusting to tell such and such parties that they should go before a Jacobinical committee to be examined—that it was against all notions of delicacy, that dowagers of 100, and less antiquated ladies of all ranks and fashion, should go to Committee No. 13, in order to submit to be examined touching the particular services they had rendered to the country for the charge which had been made on its funds in their particular cases. This was all considered so disgusting, that only 182 Members were found to vote for it. He was told on that occasion, that he should not have taken it out of the hands of his Majesty—that a word from him to most of the receivers of large Pensions would be considered a command—and that an intimation, that the pension ought not to be claimed would be sufficient—that it was a fund placed at the disposal of his Majesty, for rewarding merit, and that its application and revision should be left to him. There were objections from several quarters to his last Motion, and, of course, he should expect, that those who made them were prepared to support that which he now proposed. He would say, that as long as one undeserving object was allowed to remain on the list, some person who was really meritorious—some individual who might have enriched the annals of his country by his great achievements—some who might have added to the lustre of its arms—who might have maintained the honour of its flag in other countries—or who, devoting themselves to science, had added to that stock of practical knowledge from which the country had derived so much of its greatness — men who, "unknown to fortune were only known to fame;" that there were many such would be admitted by all, but they were not men who were the visitors or hangers-on of courts: they lived in modest, many of them in obscure, retirement; to such men let the useless and undeserving recipients of pensions give place. Let such men be selected and drawn from their obscure penury, and if they could not obtain the luxuries, let them at least have the comforts of life. He knew of many such. No doubt most who heard him knew of many of that description who were now pining in want, but whose works would give immortality to their time and to their talent. Let such be selected, and let them receive those substantial rewards which belonged to those who had deserved well of their country. He was given to understand that, at a divan held in Downing-street, a lecture had been given to the representatives as to what might be the result of their acceding to such a Motion as the present. It was once said by Mr. Wyndham, what had the people to do with the laws but to obey them, and he supposed the representatives of the people were now to be told, what had they to do with constituents, but to despise them. The representatives of the people would, however, he hoped, do their duty. He would appeal to every man who had constituents, and every Member now had them, whether every one of them had not in his election addresses, written or oral, laid great stress on the Pension-list—whether every one of them had not floated on the praises derived from their remarks on that one great subject, and whether they did not stand virtually pledged to oppose all useless places and undeserved pensions? What had been the language of Mr. Burke when he made an attempt to reduce the Pension-list of his day within some decent bounds? He observed—"It is the prerogative of the Crown to bestow pensions as rewards for eminent services." He might have gone further, and said, that it was the duty of the representatives of the people to see that pensions were not given as rewards for personal and political prostitution. He should be much mortified if his Motion were defeated. Nor would his mortification arise from the mere fact of his being its advocate, but from his sense that he, in common with other hon. Gentlemen, had a solemn pledge to redeem. He had no factious feeling to indulge. No man in this House, looking to his means, had sacrificed more than he had in past times; and he said now, that whatever personal feeling he had to some members of the Government, no man was more determined or disposed to give them his strenuous support in every measure that, in his conscience, he believed calculated to advance the happiness of his country. He had uttered those sentiments when the present Ministers were in Opposition; they were not, therefore, taken up for this occasion. Other men might forfeit their pledges; he would adhere to his own; and he was mistaken if they would not prevail. If any other mode could be suggested—if any new reading could be given to his Motion, that would render it more acceptable; he was not so wedded to it that he would consent to no substitution. All he sought, all he asked, in the name of the people of this country, was, that the House would sympathise with their wants —that it would not trifle with their means. The hon. Member concluded by moving the Address which he had before read.

Lord *Althorp* said, that he had felt it his duty to oppose the former motion made by the hon. Member on this question, but he had still stronger objections to that which he now proposed. It appeared to him, that the proposition of the hon. and learned Member was one which it was utterly impossible that any Gentleman could accede to. The proposition was, to call on this House to address his Majesty to take away those pensions which his Majesty had confirmed. They were asked to call on the King to do that which no man of gentlemanlike feeling could consent to do, viz., to deprive persons of the pensions which he himself had bestowed. The hon. and learned Gentleman had alluded to a speech which he delivered on a former occasion, in relation to this subject. He said then, what he was ready to maintain now, which was, that he did think, that the Minister who recommended a pension was responsible for such recommendation, and he thought it was perfectly justifiable to call for the list, in case any improper grant had been made. The hon. and learned Gentleman went on to say, that when he proposed the Civil-list, he at that time stated, that the Pension-list should be open to inquiry; certainly he did so; but that was only till the list was finally settled. He, at the period referred to, had to ask of the House a vote on credit; it was then necessary for the House to make advances from quarter to quarter. Ultimately, however, they had gone into the question; and the House decided that the pensions should be charged on the Consolidated Fund. When they did so, it never entered into his head, that this Pension-list would be opened again. He did feel, that persons on the Pension-list had a right established by custom to be continued on it; and the present Government taking this view, had, when they came into office, recommended that they should be. If the House agreed to the Motion — if they agreed to address his Majesty to take the pensions away—they would agree to what was unjust. The hon. and learned Gentleman seemed to expect hon. Gentlemen to get up to defend each individual grant; but he (Lord Althorp) did not intend to do any such thing. He did not hold himself responsible for the Acts of former Governments. The Ministers of the Crown were, he admitted, responsible for the pensions having been retained, but they had acted in concurrence with what had been the practice at the commencement of every reign since the Revolution. King William continued the pensions granted by James 2nd. The present Motion, then, of the hon. and learned Gentleman, he considered more objectionable than his proposition for an inquiry before a Committee of the House. The hon. and learned Gentleman had alluded to an expression made use of by the right hon. Secretary of the Treasury, who had spoken of the desired inquiry as a "disgusting examination." His right hon. friend did not allude to the cases to be investigated, but to the feeling which he supposed every one would entertain, who of necessity might be engaged in the examination. He thought it could not fail to be a "disgusting inquiry" to any gentleman who took a part in it. The hon. and learned Gentleman had argued this as a popular topic. He admitted that it was so. He was quite aware, that persons held pensions who had other public employment and other property; and though he could not enter into the feelings of others, he was ready to admit, that when persons had large property, they ought not to receive the pensions. At least he would not, under such circumstances, take the pension. He admitted, that this was a topic which influenced, considerably, popular feeling; but this was quite beside the question as to the propriety of their taking away that from men, to which in their judgment they had a right, the law having established that right. This did not appear to him to be a question requiring any length of argument. It was simply this—would they deprive those who had a legal right to the pensions of that right by a vote of this House? And if they would do that, would they employ, as a medium of doing it, the King who had conferred the grants? The question lay in a narrow compass, and it was quite impossible for him to sanction such a proposition.

Mr. *Strutt* said, that he was aware of the difficulty of the task he had imposed on himself, but he would endeavour, in discharging it, to trespass as short a time as he could on the House. He assured the hon. and learned Gentleman who had brought forward this Motion, that it was not from any want of courtesy to him, that he had not acquainted him with the nature of his intended Amendment. In the first place, he was not sufficiently acquainted with Parliamentary practice to be aware that it was necessary to do so, and he thought it the less necessary as the hon. Member had not placed the words of his own Motion on the Order-book. The hon. Member had alluded to a little Parliament called together in Downing-street, on this subject. All he would say was, that if such a meeting had taken place, he was not a member of it, and he disclaimed being considered as its organ on this occasion. He also begged to disavow any connexion with Ministers in the course he was now pursuing. He had had no communication of any kind with them on this subject. On one point his conviction was quite clear, that it was necessary for the character of the Parliament, and the wishes of the country, that a full inquiry should be made into the Pension-list. When he heard from the Minister of the Crown, that there were names on that list which ought not to be there, and when he felt that we had no means of preventing a similar future misapplication of the public money, but by a full inquiry into what had been already done in that respect, he felt it necessary to press for such inquiry, but his inquiry was different in its mode and its object. The hon. Member proposed that the duty should devolve on the Crown, thus making the Sovereign the medium of the intended reduction. Now this he conceived to be a course disrespectful to the Crown, as imposing a most invidious task upon it; but why should that be done, when they had within themselves the means of inquiry? Another objection he had to the course proposed by the hon. Member was, that the inquiry should be conducted by those who were likely to give satisfaction to the country. Now, the burthen of the hon. Member's speech was, that the present Ministers had opposed every obstacle in their power to a reduction of the Pension-list, or to inquiry with a view to reduction; yet, by the terms of his Motion, he placed the inquiry in the hands of those very Ministers, for, in committing to the Crown, it of course must be understood as being done by its responsible advisers. What could he expect from those whom he had thus denounced as the great opponents of inquiry? The hon. Member was in general a very good Parliamentary tactician, but on this occasion he had devised a plan which would be disrespectful to the Crown, and unsatisfactory to the people. But another and his chief objection to the hon. Member's Motion was, that in its very terms it implied a determination on the part of the House to take some of those pensions away. To that he could not consent. The hon. Member had said, that no man who had voted for his Motion in February last could oppose the present. He (Mr. Strutt) was one who had so voted, and nothing on earth could induce him to support the present. He had had some difficulty in voting for the last, knowing the grounds on which it was made, and knowing that it was intended to take some of the pensions away; but he still voted for the inquiry, in the conviction that it would do good, and that if the Committee should feel disposed to recommend the taking away any pension, the matter must first come under the consideration of the House. The object, he repeated, of the hon. Member was, that, in the revision, those names should be struck out of the list which might be considered as having been improperly placed on it. To that he could not consent. Supposing it should be admitted, that many pensions had been granted to unworthy objects, would the House consent to address the Crown to take them away? He knew it would be said, that the contract, if any, existed between that House and the Crown, that the House had granted a pension fund to the amount of 75,000*l.*, and that as far as the House was concerned, it would be no breach of contract to address the Crown to remove certain names from the list. But he would ask, what would that lead to? Would it lead to any economy, for it would only lead to the substitution of objects who might be considered more worthy? The question was, would the taking away of any pension be unjust? He would admit, that, strictly and legally speaking, the Crown had a right to remove any name from the Pension-list, and that the parties held their pensions only during the pleasure of the Crown. But he would ask, what had been the general—he would say the invariable—usage? Was it not, that such pensions, once granted, were held for life? That had been the practice for centuries. In all Ministerial changes, even in the succession of parties the most opposite in politics, there was not a single instance of any pension being taken off by one Administration which had been granted by its predecessor. Not only in changes by succession to the Throne, but, as the noble Lord had stated, in changes of Dynasty, as in the instance of James and his successor, the pensions of the previous reign had been continued. Now, he would ask, whether, under these circumstances, it would be dealing justly or fairly with those who had received pensions under the impression derived from this custom, that they were to be continued during their lives, to turn round on them and to say, that in consequence of some technical flaw, those pensions were to be taken away? He did not stand up there to defend the abuses of the Pension-list, He was as much opposed to such abuses as any Member who had ever entered the doors of that House. He wished that no such pensions had ever been given. He should never wish to see a pension granted but for important public services; but when such pension had once been granted, he was not ashamed to stand up in his place, and to contend, that it would be unjust to take it away. He would take the case of a public office in one of our Law Courts, which the House might feel it right to abolish. In that case, would it be fair to say to the party, that though he had been led to consider his situation as an appointment for life, he should now be deprived of it, as it was one from which he was removable at pleasure? The House was aware, that a very different principle was always acted upon in such cases, and that where an office was discontinued, the party holding it got compensation. He had a strong opinion on this subject, which he had the less hesitation in avowing, as he was prepared to go further than the hon. Member, or than many hon. Members, in carrying out the principle of reform in many things; and he was glad to have the opportunity of saying, that nothing could be more injurious to the real principle of reform than that the House should tamper with vested rights. He might be said to be too scrupulous on this subject; but he thought the scruples should be on the right side. He saw no advantage to the public from the contemplated reduction on one side, but on the other there was much danger to be apprehended from the dangerous precedent of interfering with established rights. He therefore would not consent to take away what, though nominally held during pleasure, was really given and accepted, with the understanding of the grantor and the grantee, that it should be held for life. On these grounds, and referring to the hon. Member's ulterior objects, he could not support the Motion; yet he did think that an inquiry, by a Select Committee of the House, into the Pension-list would be of the utmost importance. It would tend to put an end to the great excitement which now existed on this subject, and correct the very exaggerated statements which had been made respecting it. The House and the country should have the opportunity of knowing the real truth; and it was only by such an investigation that future misapplication could be prevented. The resolutions which had been moved by the noble Lord (Lord Althorp) as an Amendment to the former Motion of the hon. Gentleman did not go far enough. It was well said, that example was better than precept; and the publication of one flagrant abuse would be more effectual, and do more good in preventing future abuses, than all the discussions which might be had in that House. The House ought to be informed of the way in which these pensions had originated, and what had been the services performed for them. He was sure, that no Gentleman in that House would maintain that, whenever an opportunity offered, the Civil-list ought not to undergo the most complete and perfect revision. There was no Gentleman who would not be ready to acknowledge, that it ought to undergo the fullest and most searching inquiry. It would also be readily acknowledged, that the present was a more favourable time for that purpose than at the commencement of a reign; for it was well known that the proceedings on the accession of a new monarch afforded many grounds for objecting to delay; and that was the time of all others at which Parliament was the least disposed to go heartily into such an investigation. He, therefore, thought that the only course by which they could hope to give satisfaction to the public would be by entering into the inquiry then, of determining, amongst other purposes, whether the Pension-list should be granted in the manner hitherto practised. There were many who thought that the pension should be granted only for specified purposes; others, that, if granted to the King, it should be with such safeguards and precautions as might be expected to remove further ground of complaint. Those considerations appeared to him to render inquiry, by a Committee of the House, indispensable. He was aware, that to this there might be two objections urged. In the first place, it might be said, that it would be unfair to bring the individuals holding pensions before the House, and to induce disclosures which must be painful to individuals, and to lead to the surrender of those pensions which the present House were not willing should be granted but by a vote of that House. Now, suppose a Committee appointed by the House, surely the general object of such Committee must be to prevent the recurrence of abuse; not to judge upon the Pension-list individually, but to employ themselves in detection of such abuses. The opinion to be given must necessarily apply to the parties to the abuses; and really he did not think that there was any injustice done to them who had been parties to such abuses. It might be said, that, under such circumstances, persons holding pensions might be compelled to surrender those pensions. Why, he would say, that this was one reason why they should pursue this course, because where surrender was made, it would be a *prima facie* proof of abuse in that instance. There might, indeed, be a question as to the propriety of withdrawing the pension in certain cases. The Motion he had to make expressed no opinion in this respect; it would simply suggest, that the House should resolve itself into a Committee, no doubt with the object of preventing abuses in future; and when the Report of such Committee should be once made and laid before the House, it would be competent for the House to take such measures as they might deem necessary. He himself thought, that, in cases where pensions were kept by fraud, it would be an act of justice only to withdraw such grants; but the active decision upon this must follow upon the Report being made. He had only one point further to which he wished to advert. It might be said, that in meeting a Motion such as that of the hon. member for Colchester by an Amendment, they were exposing themselves to obloquy. He begged to say, that he thought this a proper Motion to be made, though he could not conscientiously support it. But he believed, that the public excitement did not originate in the consideration of any small saving which might be effected by carrying a measure of this kind through. He believed, that the great object which the public had in view was, to know the real state of the facts; that if improper persons had been recommended to receive these pensions, the delinquents who recommended them should be brought to justice. Another great object which ought to be kept in view was, to prevent a recurrence of the existing abuses. On these grounds, he would propose his Amendment, in the full belief that, by adopting it, they would be acting honestly and fairly, and do justice to the country, whilst it would afford relief of such a kind as would be satisfactory to the country. In conclusion, the hon. Member moved, "That a Select Committee be appointed to inquire into the pensions charged on the Civil-list and the Consolidated Fund, in order to ascertain the nature and extent of any abuses which have occurred in granting the said pensions, with a view to give effect to the Resolutions of the House of the 18th February last."

Mr. *Romilly*, in seconding the Amendment of the hon. member for Derby, said, he thought that it ought to meet with the concurrence and support of the House. He did not think it right to refuse inquiry; at the same time he did not think it would be right to enter into the subject with a full determination to apply a wet sponge to all pensions. He repeated, that he did most cordially support the Amendment of his hon. friend; for though on a former occasion he had voted for the Motion made by the hon. member for Colchester, it would be impossible to do so in this instance. The great object was, to get an honest and full investigation of gross abuses.

Lord *Althorp* wished to observe that, while he thought the Amendment proposed by the hon. member for Derby was not liable to one objection which he had stated attached to the Motion of the hon. member for Colchester,—namely, it did not go to call upon his Majesty to negative the pensions which he had granted; and although he thought the speech of the hon. Mover of the Amendment was not liable to the objections of that of the hon. member for Colchester, still he considered the Amendment of the hon. member for Derby was exposed to pretty nearly as much and as strong objection as the original Motion. Coupling the speech with the Amendment, it did not involve the principle of injustice to which he had objected in the case of the original Motion. He did not think, however, that either the mover or seconder of the Amendment need have apologised for having voted for the Motion of the 18th February, because he did not think that the distinction between the two was so great as to make any apology necessary. Undoubtedly there was a great distinction to be drawn in the views with which they were brought forward, and in the speeches with which they were introduced. The objects appeared different. One stated by the hon. Mover was the great excitement which existed in the public mind. He believed the excitement which prevailed was, to deprive the pensioners of their pensions. The question then was, whether it was necessary or desirable to enter into an inquiry upon these pensions for the purposes which had been referred to by the hon. member for Derby? He had stated, that the only purpose which he had in view, was to expose cases of gross abuse, and to bring censure upon those who, as he apprehended, had granted them, looking also to who were advisers of the Crown when these pensions were granted. But before they went to that, he would remind the House that, after the Resolutions of the 18th February, a distinct principle was laid down, by which the pensions should in future be given. But it was well known, that the Minister for the time being, who was responsible for these pensions, was the Prime Minister; and if they inquired who was the Prime Minister when certain pensions were granted, it would be found that he no longer existed. The hon. Member wanted inquiry to find out delinquents; why if there were any delinquents, they were dead; and was it worth while for the House to go into a Committee of Inquiry into the acts of those who had passed away from the jurisdiction of every earthly tribunal? He did not believe, that any advantage would arise from such an inquiry, having for its object the passing a censure upon Prime Ministers who were now in their graves. Then, again, the objection which he entertained to the Motion of the hon. member for Colchester was—that which he had ridiculed perhaps—namely, that such an investigation as that proposed must not only hurt the feelings of those who would have to undergo the investigation, but of those who had to make the inquiry. On these grounds he could not support the Amendment proposed by the hon. member for Derby. He felt himself, indeed, placed in a situation in which he knew he took an unpopular ground; he knew that, in pursuing the course he did, he exposed himself to obloquy out of doors; and he knew, that hon. Gentlemen who felt with him had not the support of the great majority out of doors. But for himself he was bound, in the exercise of his own duty, to oppose the Motion now proposed; he felt himself called upon to vote against the original Motion and the Amendment.

Mr. *Hume* said, it was with great regret that he had heard the noble Lord's last sentence, because it was clear from that, that no call for inquiry could meet with approbation from his Majesty's Ministers. In other words, it was certain that his Majesty's Ministers were against all inquiry, and that they had staked their existence on this question. The hon. member for Derby had said, that no great economy would result from taking away pensions. Now, his hon. friend had distinctly stated, that he did not wish to interfere with those on the Civil-list—it was not his wish to take anything from the sum of 75,000*l.* on that list. But there was a sum of 85,000*l.* on the Consolidated Fund. Now he held that every pound which was taken away from this latter list, which had been improperly granted, was a saving to the country. Pensions should be given for honourable services, and only applied in those cases. It was now a matter of disgrace to be a pensioner of the Crown. These pensions were granted to persons who were known not to deserve them for any public service; and it was the duty of the House to purge the Pension-list. The question was one not of economy only, for it involved a principle which ought to receive the sanction of that House for the satisfaction of the people of England. It appeared to him, that the Motion of the 18th of February last, and the Amendment of the hon. membei for Derby, were, in fact, the same. Did the hon. Gentleman who had moved the Amendment, however, suppose that when he should have obtained his Motion for a Committee of Inquiry, the people of England would be satisfied with that merely? Did he suppose, that they would be content to allow these parties to continue to enjoy their pensions? If it should be discovered that these pensions had been unworthily granted, it was the duty of a Reformed Parliament to do away with them. He would say, that the lapse of time in which these pensions had been held was no claim for exemption for inquiry into each case. He was confident that a Committee of that House might fairly be left to decide upon what pensions should be granted. When they looked to the wretched state of the people of this country, who were so grievously taxed, and whose property was occasionally seized to answer the demands of the revenue, it would be disgraceful on their parts to allow a single sixpence to be taken from them for pensions to those who were utterly undeserving. He believed, that the Amendment would give satisfaction to the people. Although one Prime Minister might not be answerable for what had been done—though one Prime Minister might be dead, still there were others who were to be found, and who ought to be made responsible. Those persons ought to be made to know, that every man who improperly bestowed the public money, had violated the confidence of the Monarch; and betrayed the interests of the people. If abuses were discovered, they ought to arraign the Ministers under whose auspices such abuses had been permitted. Suppose he were able to prove, that a member of the late Administration was pensioned, that he had got a pension for himself, for instance; was he to be prevented from making inquiry into the circumstances. Let them punish those who were guilty, not those who might have been innocently led into the error, for he could see many excuses in various instances which might have occurred. While such gross abuses existed in respect to pensions, deserving men would think themselves disgraced by enjoying them, and men would go unrewarded. The noble Lord had said, that those who held pensions improperly should be punished—so said he (Mr. Hume). But the object of the House ought to be to maintain its character; if abuses were brought before it, they ought to be corrected. Justice demanded this at their hands. On these grounds he must say, that he thought his Majesty's Ministers took an erroneous view of public opinion. Although the question involved the sum of 100,000*l.* only, the principle involved the character of the Ministers. He had no doubt, indeed, that as far as they were concerned in respect to pensions granted in their time, their acts would bear inquiry; but why should they seek to cloak abuses practised by others, the existence of which was admitted on all hands. Allowing only one-half of what had been stated by the hon. member for Colchester to be correct, was there a man who would be prepared to enforce the Poor-laws Amendment in this country—was there a man who would be found to say, he would oblige the relatives of this or that poor man to provide for him, whilst hundreds of persons were allowed to receive thousands of pounds of the public money for doing nothing? But the noble Lord seemed to think that it would be an ungentlemanlike proceeding to withdraw these grants. He would for himself cordially support either the original Motion or the Amendment, he cared not which. Hon. Members might laugh, and, perhaps, many of those who did so, did not know that he might vote on both; but he decidedly objected to the House separating and refusing an inquiry.

Mr. *Jervis*, in opposing the views adopted by his Majesty's Government, might be considered as speaking against his own interest, belonging as he did to a family which partook considerably of its advantages. The question was, whether they would or would not revise the Pension-list? He had not the slightest difficulty in saying, that the most proper, the most constitutional way of proceeding was, in the manner indicated by the Motion of the hon. member for Colchester. How did the matter stand? A certain sum was placed at the disposal of the Crown, the mode of its appropriation was an act of the responsible Government; and if there were reason to believe, that the Monarch had been misled by the information given to him by his responsible advisers, it was not only perfectly competent to the House, but it was their duty to call upon the Crown to reconsider its grants. It had been said, that they were bound by a compact with the King, the people, and the parties receiving the pension; but on the other side it had been admitted, that there might be such a thing as a revision; and if so at one time, why not at another? It might be perfectly true, that they ought not to interfere with the bounty of the Crown, but there could be no doubt that they ought to guard against the consequences of the Crown's being misled or misinformed. He understood the object of the hon. member for Derby's Motion to be, to prevent any pension being improperly granted in future, and to bind the Government not to give away the public money to any individual who had not merited such a reward by some public service. But would the public be satisfied with any inquiry, the object of which was thus limited? Though the amount of the Pension-list was small, yet the principle involved in it was great, and the people would never be contented with the appointment of a Committee, unless that

Committee was empowered to investigate the whole of the Pension-list, with a view to remove from it every objectionable grant, of however long a standing; for no statute of limitations could be found to give a title to corruption. It should be borne in mind, that the working man was called upon to contribute to the payment of these pensions out of his hard-earned wages, and therefore no inquiry would be satisfactory which was not followed by reduction. On that ground, though he did not object to the form of the Amendment of the hon. member for Derby, he was dissatisfied with his speech. The hon. Member, notwithstanding he was not a member of the Downing-street parliament, had adopted the views of the noble Lord opposite (Lord Althorp), and had proposed an Amendment for the purpose of supporting his Majesty's Government. The hon. Member's only object was, to place his resolution on the books of the House, with a view of preventing any future grant being made from improper or fraudulent motives. But the hon. Member might entertain very different opinions from those which he entertained, as to what constituted a fraud in the grant of public pensions. The hon. member for Derby would doubtless admit, that if any Minister placed the names of his creditors on the pension list, with the view of paying his private debts with the public money, that Minister committed a gross fraud on the country. He (Mr. Jervis) was, however, disposed to go further, and would designate the grant of any compensation for a nameless service, or what (to use a legal term) might be called *nudum pactum*, not capable of bearing investigation, a gross fraud on his Majesty's subjects. He wished to impress on the Ministers, that, by not acceding to the present Motion, they were losing an opportunity by which they might gain golden opinions. They had just received news of an event, which perhaps would be appealed to by a noble Lord (Russell) as a proof of the Government being too liberal in its opinions. He (Mr. Jervis) regarded it in a very different light. The party, with whom he acted, were becoming every day more convinced, that nothing was to be expected from the present Government—and were beginning to think, and with justice, that much more was to be expected from a violent Tory Government. The present Ministers were, in his opinion, acting on Tory principles, and he repeated, that the people now began to think, that greater concessions would be made to them by a government apparently more violently Tory than the present. Nevertheless, the Ministers had still the means afforded them, by acceding to the present Motion, of retaining the confidence of the country; but if, obeying instructions from a high quarter, they chose to disregard the wishes of the people, they would gain, he would not say the contempt, but certainly the distrust, of all those who were at heart their sincere well-wishers.

Mr. *Byng* said, he should vote against the Motion of the hon. and learned member for Colchester, and expressed his surprise that so many different opinions prevailed in that House on what appeared to him to be a very plain and simple question. His present Majesty, at the commencement of his reign, entered into a compact with his people, by which he agreed to give up the droits of the Admiralty, his hereditary revenues in Scotland, and the 4½ per cents (it having been found by experience, that a very improper use had been made of those funds), on condition, that the pensions granted by his brother and father should remain untouched, and that the power of conferring pensions in future to the amount of 75,000*l.* should be conceded to him. The House could not have forgotten, that the Pension-list formerly amounted to upwards of 200,000*l.*; it was now reduced to 150,000*l.* or 160,000*l.*, and the bargain therefore was, in his opinion, most advantageous to the people. But if it had been less advantageous, yet, as the bargain had been made, he for one would not consent to break it. He believed that many gentlemen were afraid of voting against the present Motion for fear of incurring the displeasure of their constituents. Now, he had been in the habit of mixing with a large portion of his constituents, and he had never been afraid of stating to them the motives which influenced his vote on the question of the Pension-list on a former occasion; and he had not met a single individual who, when the matter was explained in a plain and simple manner, had not been perfectly satisfied with his conduct. Some hon. Members had talked a great deal of the privations suffered by the poor man in consequence of being called upon to contribute to the payment of these pensions, but the truth was, that no single labourer was on that account deprived of the value of half a quid of tobacco. The people of England were generous, and would not wish to deprive those of their pensions who had nothing else to live on. The Ministers who were responsible for having granted these pensions were dead, their motives could not be investigated, and he therefore should oppose the Motion for inquiry.

Mr. *Hawkins* rose and said, that having been one of those who, a few months since, had given a silent vote in favour of the motion of the hon. member for Colchester for an inquiry into the Pension-list, he wished to state very briefly the reasons which would guide his vote this evening. He might as well state at once, that to the present Motion of the hon. member for Colchester he could not accede. His first objection was to the manner in which the hon. Member proposed to accomplish his object. He protested against making the King the instrument of this invidious and ungrateful task. The present Sovereign had no hand in granting these pensions; they were not even granted during his reign; he had no power to prevent or control the grant. What right, then, had they to call upon him to undertake the odious office of deciding upon the merits of these grants, and of saying who should resign and who should retain their pensions. If they, the Commons of England, thought that justice to their constituents required the Pension-list to be purged, let them who thought so, themselves undertake the duty without shrinking. It might be a needful, a just, a beneficial job; but no one would deny that it was a dirty job; and as such ought to be performed by those who thought it necessary. Let them go into the inquiry if they must; let them abolish those pensions if they thought fit; but as Englishmen and gentlemen, let them not try to pocket the popularity of the proceeding, while they threw the responsibility and odium upon the shoulders of other persons who were not guilty of having created the necessity. Perhaps it would be said, that an address to the Crown was a mere formality; that, in reality, if this address were carried, the revision would be performed by Commissioners appointed by the Treasury. Still this did not remove his objection. It did not take away the repugnance he felt, to mix up the name of the King in any way whatever, directly or indirectly, in this affair. They had no right to make him even an apparent agent in this work, and a revision of the Pension-list by royal commission would seem to a great proportion of the people of England, who were not acquainted with the formalities used on these occasions, as neither more nor less than a revision of that list by the King in person. Nor did he see how they had any more right to call upon the present Ministry to undertake this work than to call upon the King. His objection to putting it upon the King was only so much stronger than his objection to putting it upon the Ministry, as his respect for the King was greater than his respect for the Ministry; but the injustice would be equal in either case. This objection of his to the form of the Motion would of itself have been enough to prevail on him to meet it with a direct negative; but he objected equally to its object. Having risen rather to defend his own vote than to enter into a question which had been discussed on a former occasion, he would neither enter into the original merits of these grants, nor even enter into the merits of that arrangement by which they had been provided for in 1831, because let them quibble as they would about the exact meaning of the words "during the royal pleasure."—let them ring the changes as they would between settlements on the Civil-list and settlements on the Consolidated Fund,—this plain fact was beyond denial, that Acts of Parliament were laws solemnly enacted by the three estates of the realm. ["*No! no!*"] No! what, were hon. Members unaware of the existence of the Acts of 1831? Had they not read the Act which saddled one half of these pensions on the Consolidated Fund? He thought he was quoting nearly the words, he was sure he was quoting the spirit of the Act. Those Acts gave and granted to those individuals the amount of their respective pensions, during the lifetime, at least, of the present Sovereign. The Act said, "during the pleasure of the Crown." Aye! but that was not "during the pleasure of Parliament." Granted, that the King had the right to resume these grants, though even on that point he had doubts; it did not follow, that the House of Commons had the right to resume them, or even to call upon the King to resume them. Surely, if ever there was special pleading, it was the attempt to get rid of the plain fact, that the persons held their pensions by Acts of Parliament, at least for the lifetime of the present Sovereign, subject to no reservation of control on the part of either House of Parliament. Thus much was undeniable; and until some one should succeed in convincing him that all the Acts of that Parliament which passed the Reform Bill were mere waste paper, he must hold these pensions as equally good in law as any other property secured by the Acts of that Parliament. But then he might perhaps be asked why he had voted for the last Motion of the hon. member for Colchester. He voted for it, because, though he was not prepared to take away these pensions, he still thought inquiry both useful and necessary; and the former Motion of the hon. Member was for inquiry, and inquiry alone. He did not forget the grounds on which so many Members opposed that Motion, namely, that although the Motion itself only pointed to inquiry, the object of the mover and his supporters was confiscation. In this view of the question he had not agreed; he had felt himself bound to regulate his vote upon the Motion itself, and not upon the political character of its author, or the construction which his opponents were pleased to put upon his intentions. It was for inquiry, therefore, that he had voted; and inquiry he still thought needful for many reasons. The House had been frequently asked if they were not ready to take away any of these pensions, of what use would be an inquiry, except to gratify mere idle curiosity? Now, he thought that even curiosity might be a ground for inquiry; for though it might be no ground to him, though neither he nor any Member of that House might feel such curiosity, yet he thought if the people who had to pay these pensions wished to know on what grounds they had been granted, the people had a right to have their curiosity gratified. Had they no better reason for their curiosity than to see how a Tory Government was carried on; did they want but a better reason to justify the Reform Bill, that would be reason enough for satisfying the curiosity of those who were called on to pay the expense. But he had higher grounds for inquiry. There was a very numerous party both within and without the House, who, thinking with him, that these pensions were secured for the lifetime of the present Sovereign, thought, nevertheless, that at his decease they would fall in, and might then be resumed without injustice, if Parliament thought fit to resume them. Now, as there were confessedly some well-deserved pensions on the List, which no one would think of taking away under any circumstances, it was plain, that a resumption of part of the pensions could not take place without a previous inquiry into each case. Such inquiry, of course, would be long and difficult; and he put it to the House to say what chance they should have of carrying such an inquiry in the interval between the death of one King and the settlement of the Civil-list of his successor? The length and difficulty of the inquiry would be pleaded by the Minister of the day as a good reason for no inquiry at all; and if they delayed inquiry till the moment they were called upon to decide, it needed little knowledge of Treasury tactics to prophesy, that they would be called on to decide without inquiry. Experience told them, that, at such a time, they would find the House divided into two parties; one voting to retain the Pension-list in the lump without inquiry,—another voting its abolition in the lump, equally regardless of inquiry. Besides, whatever hardship there might be in stopping a pension at that time, it must be greatly diminished by long previous notice; and such notice would be given by an inquiry to-day. He claimed this inquiry, too, on the score of justice. Justice to those former Ministers, whose misconduct in sanctioning these grants had been, he was convinced, greatly exaggerated; justice to those really deserving pensioners who, he suspected, were more numerous than public indignation would readily believe. They had been told of the cruelty of dragging before the public those of whom it had been said, that if they had obtained their pensions without merit, they had, at least, obtained them without fault of their own. But he asked if it was no cruelty to those who enjoyed their rewards, not only without fault but with merit, to find themselves coupled in public estimation with those who had (to say the least) no more merits than faults? Surely the cruelty and injustice of denying inquiry in the cases of the deserving was greater than the cruelty of granting inquiry in the cases of the undeserving. And how great, too, was the cruelty and injustice they were doing to those former Ministers who were responsible for these grants! Anxious for an opportunity to vindicate their conduct,—burning with just indignation at the shameful exaggerations which had gone the round of the public Press,—those Ministers were withheld by a sense of honourable feeling, with which none could avoid sympathising, from claiming to be heard in their defence, lest they should be obliged to call before the public eye the former objects of their bounty. Now, if the recipients of these pensions had not honour enough to step forward and vindicate their patrons, he thought it was time for the House, as a third and disinterested party, to step in and see justice done to those who were withheld by a feeling of delicacy from claiming justice for themselves. These were some, among many reasons, why he had voted for inquiry a few months since. And feeling himself ready, for the same reasons, to support inquiry now, he found before him an Amendment suggesting inquiry, on another ground and with other views than those which he had just stated,—but, he confessed, a ground equally good, and views equally useful. He agreed with the mover of this Amendment, that it would be difficult, if not impossible, to secure a due attention to merit in the granting of future pensions, unless they could succeed in laying down some rules for the guidance of those who were to sanction such grants; and he thought, that those rules might be sought, with the best chance of success, among the examples of past irregularity. The Amendment would not, perhaps, accomplish all the objects he had in view in voting for inquiry. It would accomplish, however, the most important; it would give opportunity for calling to account those who were responsible for the abuses of the Pension-list, such of them at least as were still within the reach of human tribunals; it would give what was more important for the people to have, effectual guarantees against the recurrence of such abuses in future. Feeling, that he could not have consented to the original Motion, he gladly accepted the Amendment, as nearly meeting his own views and wishes.

Sir *Robert Peel:* I do not profess to be labouring under the influence of those feelings which the hon. Gentleman who spoke last ascribed to members of his Majesty's former Government. I cannot say, that I am burning with indignation at the charges made against the Government of which I was a member, or that I have any such anxiety to vindicate my character as he appears to suppose. To not one of those charges do I attach the slightest importance; and if I did, I would not be influenced by any motives of false delicacy or mistaken honour to consent to a Motion that I believe to be inconsistent with justice, and with the respect which we owe to the Crown. Though I entirely approve of the manly course taken by the noble Lord on this question —though I believe, that he is perfectly right in resisting both Motions, and though I heard with satisfaction the declaration, worthy of a Minister of the Crown, that, pass what Resolutions you pleased, he would not be the servile tool to execute that which he disapproved; though I willingly re-echo that sentiment, yet I owe no obligation to the noble Lord for carrying before me his protecting shield. I do not want to have warded off from me any censure which this Motion may be supposed to cast on former Administrations. I do not know what the issue of this debate may be. I know it is confidently predicted, that the inquiry will have a majority in its favour. I do not believe it; but, if it be so, to me personally it is a matter of but little consequence. With regard to any pension on that List of which I have cognizance, I have not the slightest apprehension of appearing before any tribunal. I have no personal interest in any; and all of which I know anything were, I firmly believe, given in the strictest accordance with the spirit of the Act empowering the Crown to confer them. As the noble Lord has said, this is a question on which short speeches are the best. It is, indeed, a question which lies within the narrowest limits. In point of fact, there is no question before us. There are, indeed, two Motions before us, which, perhaps, it will be your duty, Sir, in point of form, to put from the Chair; but, in point of substance, those Motions have been already annihilated. The speech of the hon. member for Derby cut from under him the ground on which the hon. member for Colchester took his stand; and the speech of that hon. Gentleman performed the same kind service for the hon. member for Derby. See how the case stands. The hon. member for Colchester proposes an Address to the Crown, advising his Majesty to revise his own acts, and to withdraw those pensions, the continuance of which his Majesty had himself confirmed. This the other hon. Gentleman opposes as disrespectful to the Sovereign, and at variance with the duty which we owe to his Majesty; and nothing less will content him, than to give to such a Motion a direct and unqualified negative. Yes; a negative. No previous question, none of those delicate Parliamentary modes of getting rid of an unpleasant Motion sometimes adopted; nothing but a direct and unqualified negative will satisfy the hon. Member. The hon. Gentleman very justly said, that the Motion was inconsistent with the respect due to the Crown; that, if the question were to have been raised at all, it should have been raised previously to the settlement of the Civil-list; and that, as his Majesty himself had not thought proper at that period to make any alteration, it would not be becoming in the House of Commons, after having granted to his Majesty the means of conferring those pensions, now to turn round upon him, and call on him to revoke the grants of his royal bounty. How, said the member for Derby, can you, with any consistency, call on the present Ministers, who advised his Majesty to make this arrangement, now to advise his Majesty to recall it? How could his Majesty's Ministers, with decency, adopt such a course? Now, though I certainly think the proposition of the hon. Gentleman (Mr. Strutt), the more respectful of the two, yet I cannot help feeling, to the fullest extent, the objection which the hon. Member himself so candidly made against his own plan. The objection was urged with great force, and appeared to me to be fatal. I turned round several times during the delivery of his speech to friends near me, and said, "This is an excellent speech; but what can be the nature of the Amendment which a man entertaining those sentiments can propose?" The hon. Gentleman over and over again laid down the doctrine of vested rights in the strongest manner I ever heard. He said the Motion of the member for Colchester would not only be disrespectful towards the Crown, but would interfere with the vested rights of the subject. As the hon. Gentleman said, what security would there be for property of any kind, if the property held on the authority of recent statutes should be thus violently interfered with? And not only, said the hon. Gentleman, did he oppose this on the ground of justice, but he opposed it also on the ground of policy; for, said he, nothing could be more prejudicial to the great cause of gradual Reform, and the amelioration of our institutions, than to encumber it with the odium of acts of individual injustice; and unjust it certainly would be, to withdraw the amounts of those pensions from their existing holders. This being the doctrine of the hon. Gentleman, on what principle does he ask us to appoint a Select Committee to make an inquiry into the subject of those pensions, which pensions he himself would hold inviolate?

As he refuted the reasoning and destroyed the Motion of the member for Colchester, so with equal success has that hon. Member dealt with the reasoning and the motion of the member for Derby. For, said the member for Colchester, though originally in favour of an inquiry, subsequent consideration had induced him to alter his opinion. He said, that when he thought of the practical results of such a measure—when he thought of the necessity for calling before such a tribunal of inquiry innocent ladies of high rank—when he thought of young and delicate females having to inquire through the purlieus of that House their way to No. 13, the committee-room to which they were to be called—there appeared to be something so revolting to the feelings of an English gentleman, that, though he had at first approved of a Select Committee, the vision of those ladies waiting for the Committee, of which the hon. and learned Gentleman would be Chairman, had induced him to abandon his original intention and proceed by Address. The hon. member for Derby tells the people of England, that these pensions are vested rights, and yet asks for an examination into them, in order to satisfy pure curiosity. He admits, that you can save nothing by it—that not a single farthing can be reduced; but, in order to gratify a prying, inquisitive love of scandal, we are to waste the public time in a Select Committee. But I ask that hon. Gentleman, whether, if I admit the vested interest and the legal right, and deny the power to withdraw that right, is it just to draw any intermediate line? is it decent for those who have not the courage or inclination to deny the right, to demand an inquiry into the origin of the grants, for no other purpose than that of holding up the possessors to public indignation? Of all proceedings none could be more dangerous to property of every kind than this; for what could have a more injurious effect upon the title to property than to declare, that the owners possess it by legal right, and at the same time to damnify the possession by whispering a charge of moral turpitude? It would be better to address the Crown to rescind its own acts, than to appoint that odious Select Committee, for the purpose of making inquiries, which can be of no possible use or public advantage. The whole proceeding is, indeed, open to various grounds of objection. But, above all other objections is this, that the continuance of these pensions form part of the existing compact between the King and the people. And under what circumstances was this compact made? Was there a mere unrequited grant of a sum of public money to the Crown for the purpose of granting pensions? Certainly not. In 1830, the King sent a message to the House of Commons, in which he resigned to his people revenues that had never before been given up to them. His Majesty said,—'By the demise of my lamented brother, 'the late King, the Civil-list Revenue has 'expired. I place, without reserve, at 'your disposal my interest in the hereditary revenues, and in those funds 'which may be derived from any droits of 'the Crown or Admiralty, from the West 'India duties, or from any casual revenues, either in my foreign possessions, or 'in the United Kingdom. In surrendering to you my interest in revenues which 'have, in former settlements of the Civil-list, been reserved to the Crown, I rejoice in the opportunity of evincing my 'entire reliance on your dutiful attachment, and my confidence that you will 'cheerfully provide all that may be necessary for the support of the Civil Government, and the honour and dignity of my 'Crown.' And what was to be the equivalent for the revenues then for the first time so liberally given up? What but the Civil-list granted by Parliament in lieu of those revenues? What were the terms in which the Commons replied to the gracious message. 'We feel it our duty to express to his Majesty our unfeigned gratitude for the confidence his Majesty has 'reposed in us.' This was the Address which you then presented, and now, by way of showing your unfeigned gratitude truly, you wish to present a second Address, four short years, only, after the first, implying that you have done wrong; that the provision for the Pension-list ought not to have been granted; and that the present Parliament is determined to rescind the engagement of the former, which was conveyed in the following address: 'We make acknowledgments to his Majesty 'for the surrender of his interest in revenues 'which have, in former settlements, been 'reserved to the Crown, and assure his 'Majesty, that we will cheerfully provide 'for the support of the Civil Government, 'and the honour and dignity of the Crown. The construction which the former Parliament placed on this grant may be seen from the fact, that 75,000*l.* was placed on the Civil-list for pensions, and the further sum of 85,000*l.* on the Consolidated Fund. That which I read just now, is not binding on you in point of law. It is only an address to the King; but what are the terms in which the Parliament has, by its statute, recognised the right of his Majesty to appropriate these sums? The preamble of the Act recites the address, containing the grateful acknowledgments of Parliament for the surrender of revenues which had never been surrendered before, and the assurance that his Majesty may, with confidence, rely on the liberality of his Parliament; and then, following up this principle, there is this enactment:—'It shall 'be lawful for his Majesty to direct a sum 'not exceeding 85,000*l.*, to be paid out of 'the Consolidated Fund, in pensions, at 'the pleasure of his Majesty, from the 5th 'of April, 1831.' And it goes on to point out who are to be the recipients. The next clause provides, that such pensions shall be guaranteed only to, or on behalf of those persons who were in the receipt or enjoyment of them at the period of his Majesty's accession, or who possessed pensions which were chargeable on the hereditary revenues in England and Scotland, &c., which his Majesty had graciously surrendered; and to show further how clearly the vested interest of the parties holding pensions is recognised, the next clause provides, that in the event of the resumption of the hereditary revenues by his present Majesty, his heirs, or successors, such pensions should again become chargeable on the hereditary revenues. If, therefore, the hon. Gentleman who spoke last had been inclined to push his argument a little further, he might fairly have contended, that the persons holding pensions by virtue of that compact are entitled to their continuance, not only during the life of the present Monarch, but during their own lives. Indeed it must be quite clear, that such a provision could only be made on the presumption that these parties were entitled to the enjoyment of these pensions during their lives. And by whom was that Act of Parliament passed? By the very Parliament that passed the Reform Bill — the Parliament elected under the excitement of 1831, and which passed the Reform Bill by triumphant majorities. Is it, then, I will ask, wise to impeach the solemn decisions of that Parliament; or can you safely invalidate one decision without bringing another into question? What safety can there be for property, unless you hold the laws securing it in respect. A great misconstruction prevails as to the intentions of Parliament with respect to the granting of pensions. It was thought expedient, that the right of the Crown to grant pensions should be limited in point of amount; but you laid down no principle on which the pensions should be granted; nor was it ever intended to fetter the discretion of the Crown in respect to the selection of the objects of royal bounty. I think it was right to limit the Crown in point of amount; and if you think it necessary to limit the prerogative yet further—if you think the monarchical influence so strong, that it must be still further controlled, you have the abstract right to control it, but it must be for the future only. When you are considering interests which became vested in times past, you must look to the past in order to ascertain the intentions of those by whom these vested interests were originally created. I do not wish to pass any opinion on the noble Lord's Resolutions of the 18th of May, which lay down the principles on which pensions should for the future be granted; but I submit, that a former Parliament, when it granted the sum of 85,000*l.* to his Majesty, granted it not for the sole purpose of rewarding official service, but for the purpose of enabling his Majesty to exercise his royal favour and bounty, without limitation as to the objects of that bounty; and I cannot conceive a greater injustice than because you now find fault with the principles on which the pension-fund was granted to the Crown, that you should turn round on the Ministers who acted under the sanction of former Parliaments, and on the unfortunate holders of pensions themselves, and propose that they shall be sacrificed to your new notions of policy. The hon. Gentleman who introduced the Motion ventured to refer to Burke as his authority. I was surprised at that, as I thought I could remember more than one passage in the speeches of that celebrated statesman utterly at variance with the principles laid down to night. Nor am I mistaken in my conjecture. I have not trusted to my memory; I have referred to the speeches of Mr. Burke; and I shall be able, by a distinct reference to the words used by Mr. Burke on that occasion to show that his authority is completely against those who have appealed to it. Mr. Burke, in his speech on economical reform, says, "I do not propose, as I told you before Christmas, to take away any pension." Now this, it must be remembered, was the speech on the principles of which the present pension system was arranged. Before this period, the Crown had an unrestricted right of granting pensions. The object of Mr. Burke's Motion was to limit that right; he at the time representing the popular feelings on that point. This, therefore, is the most impartial and disinterested testimony which I can adduce to support my statement of the construction put at that time upon the right of the Crown. Mr. Burke says—'I do not propose, as I told you 'before Christmas, to take away any pen'sion. I know that the public seem to 'call for a reduction of such of them as 'shall appear unmerited. As a censorial 'act, and punishment of an abuse, it 'might answer some purpose. But this 'can make no part of my plan. I mean 'to proceed by bill, and I cannot stop for 'such an inquiry. I know some Gentle'men may blame me. It is with great 'submission to better judgments, that I 'recommend it to consideration, that a 'critical retrospective examination of the 'Pension-list, upon the principle of merit 'can never serve for my basis. It cannot 'answer, according to my plan, any ef'fectual purpose of economy, or of future 'permanent reformation. The process 'in any way, will be entangled and diffi'cult; and it will be infinitely slow. There 'is a danger, that if we turn our line of 'march, now directed towards the grand 'object, into this more laborious than 'useful detail of operations, we shall never 'arrive at our end. The King, Sir, has 'been, by the Constitution, appointed sole 'judge of the merit for which a pension is 'to be given.' I beg the House will mark that passage. We have a right, undoubtedly, to canvass this, as we have to canvass every act of Government, if there be the suspicion of corruption or abuse, but we have not the right to canvass the discretion of the Crown as to the grant of any particular pension, merely because we differ as to the amount of merit in the grantee. If we have that right—we, and not the Crown, become the judges of merit, and the dispensers of favour. 'But there is a material 'difference,' Mr. Burke continued, 'between an office to be reformed, and a 'pension taken away for demerit. In the 'former case no charge is implied against 'the holder; in the latter his character is 'slurred as well as his lawful emolument 'affected.' But what says Mr. Burke in the supposed case of a person really possessing an unmerited pension? He says—'If in this examination we proceed methodically, and so as to avoid all suspicion of partiality and prejudice, we 'must take the pensions in order of time, 'or merely alphabetically. The very first 'pension to which we come, in either of 'these ways, may appear the most grossly 'unmerited of any. But the Minister 'may very possibly show, that he knows 'nothing of the putting on this pension—'that it was prior in time to his Administration—that the Minister who laid it on 'is dead; and then we are thrown back 'upon the pensioner himself and plunged 'into all our former difficulties. Abuses, 'and gross ones, I doubt not, would appear, 'and to the correction of which I would 'readily give my hand; but when I consider that pensions have not generally 'been affected by the revolutions of 'Ministry, as I know not where such inquiries would stop, and as absence of 'merit is a negative and loose thing, one 'might be led to derange the order of 'families, founded on the probable continuance of this kind of income. I 'might hurt children—I might injure 'creditors. I really think it the more 'prudent course not to follow the letter 'of the petitions. If we fix this mode of 'inquiry as a basis, we shall, I fear, end 'as Parliament has often ended under 'similar circumstances. There will be 'great delay—much confusion—much inequality in our proceedings.' Is it not quite clear from this, that no restriction was intended to be laid on the selection of persons to whom pensions were to be granted. Mr. Burke expressly states, that for the reasons above given he waives that mode of proceeding as part of his plan, for it is one of his maxims, that when he knows of an establishment which may be subservient to useful purposes, and which at the same time, from its discretionary power, is liable to a very great perversion from those purposes, he would limit the quantity of power which might be so abused, but not attempt to fetter the exercise in detail, of the power which he actually confided. If you require any further proof, it is only necessary to reflect for a moment, that if Parliament had adopted the principle of limiting pensions to public services, that accounts would have been called for from time to time, and that such accounts would have formed constant themes for angry discussions between contending parties. Other Acts have been passed by Parliament, and other funds provided to enable the Crown to reward official services—as, for instance, the Superannuation Act, and the Act enabling his Majesty to reward Ministers of the Crown. But the Pensions Act has always remained untouched. And although you may think, that the Crown may have been occasionally lavish in its grants, you cannot assert with truth, that the Pension-fund has ever been applied with any corrupt view of influencing votes, or procuring support in Parliament. There is the list open to public inspection, and it would not be difficult to prove it, if it were the case. Up, then, to the year 1830, Parliament and Ministers acted under the impression that the Crown had an unrestricted right to select for pensions on the Civil-list—those whom the Crown regarded with favour; that it was not an indispensable condition, that the receiver of a pension should have rendered what we call public service; and I submit, therefore, that either now to address the Crown, or to appoint a Select Committee would be an act of most manifest injustice. I deny, too, that the Tory Ministry are liable to the charge of corruption in the disposal of pensions, or that they abused the intention of the Pension-list in occasionally advising his Majesty to make use of it for the purpose of facilitating official arrangements. You are now going to dry up the sources of that power of bestowing rewards for service which was once considered essential to the well-being of the State. The object of your present labours seems to be to ascertain at what rate public men can be invited into the public service at the least possible expense, and with the least possible inducements. What will be the effect of depriving every public man of these advantages of office which formerly operated as some temptation to him to devote his time and energies to the public, I know not. I hope you may be able to invite great talent into the service of the Crown; I hope you are taking a course that will permanently ensure the devotion to the public service of those in whom the public can place confidence. That, however, is quite a different question from the present. There is very little doubt, that the King's Ministers have acted, in reference to that Act of Parliament, in pursuance of the construction which I have put upon it. If you institute an inquiry, I doubt not but you may find some instances in which a Minister has rewarded the faithful services of those who have acted under him in situations implying the utmost confidence. You will find, perhaps, that the wife or the daughter of the private secretary of a minister has received some mark of his acknowledgment for services—which, whatever, be the name by which they are called, are in truth public services, if they assist a minister in the execution of high responsible functions. Review the history of the public men who have influenced the affairs of this country during the last twenty years. Begin with Mr. Fox. How long did Mr. Fox serve as a Minister of the Crown before he died? A few short months. Then came Mr. Pitt, and he was cut off in the prime of life, I believe, by the labours and anxieties of office. Mr. Pitt was succeeded by Mr. Perceval, who perished by the hand of an assassin. Mr. Perceval was succeeded in this House by Lord Castlereagh, whose untimely fate was as much brought on by his devotion to the public service of the country, as if he had suffered in her cause in the field of battle. Mr. Canning survived his appointment to the office of Prime Minister scarcely half-a-year. When we recall to our recollection the splendid abilities of these individuals, the great services which they rendered to the State,—when we consider how many of them sacrificed their lives in the service of their country, I ask you whether you think it would be decorous, or just to revoke the acts by which they may have rewarded services, that soothed the anxieties and lightened the toil under which they sank. ["*Hear! Hear!*"] I understand the meaning of that ungenerous cheer; it would insinuate that such men as I have named may have abused the Pension-fund for the promotion of some paltry personal objects, or the gratification of unworthy passions. I am proud of the censure and of the sneers of those who can harbour such suspicions, and rejoice therefore to hear the expression of them. I challenge you to produce the instance in which there has been a corrupt appropriation of the Pension-fund. I admit that pensions have been granted as acts of royal favour, without reference to what you call public service. I assert, that the Crown had a right so to grant them, that Parliament conferred that right, and uniformly acquiesced in its exercise; and that those, therefore, who have been the objects of the royal favour cannot justly be made the victims of your new views of public policy, and public justice.

Mr. *Sheil* was at a loss whether he ought most to admire the oratorical display of the right hon. Baronet, or the lofty generosity of his speech. His Majesty's Ministers had joined in the condemnation of the Pension-list, stating that there were certain names there which ought never to have appeared on it, they had at the same time declared that these abuses occurred under an antecedent Administration, of which the right hon. Baronet was a Member; but in spite of these circumstances the right hon. Baronet, at a moment which was somewhat critical, came forward for the purpose of giving to his Majesty's Ministers what on all hands must be admitted to be his most disinterested support. The right hon. Baronet said, that the hon. member for Colchester differed from the hon. member for Derby. The right hon. Baronet should recollect that he differs from the Chancellor of the Exchequer:—the right hon. Baronet said, the Pension-list afforded no ground for investigation, while the Chancellor of the Exchequer admitted, that it was open to inquiry; notwithstanding that assertion, the right hon. Baronet asserted that an Act of Parliament had closed the subject. Of what consequence was it, whether hon. Gentlemen differed in matters of detail, provided the practical result were the same? What cared he whether the inquiry was instituted by an Address to the Crown, or through the medium of a Select Committee, provided there was an investigation of the Pension-list, such as the Chancellor of the Exchequer, and those beside him, in the year 1828, considered to be most legitimate and warrantable. If reliance was to be placed on Acts of Parliament, one would imagine that the Act of 1st of Will. 4th, was a complete novelty in legislation, and that this was the first time that there had been any surrender by the Crown of the hereditary revenues—that it was the first time there had been any recital in an Act of Parliament, of the consideration afforded by the Crown on one side, and the Return made by Parliament on the other. Let the House bear in mind that the 1st of George 4th, was a precedent from which his Majesty's Ministers had drawn the 1st of Will. 4th. Every one of the arguments now relied on by the Government against this Motion, were employed by the Chancellor of the Exchequer of 1828, against the Motion of the hon. member for Middlesex. He would inquire of his Majesty's Ministers how they could reconcile their opposition to the present Motion, with their support of a Motion in 1828 for a precisely similar object? He had the speech before him delivered by Mr. Goulburn in 1828. He did not accuse hon. Gentlemen of plagiarism, but, certainly, the arguments used on that occasion were precisely similar to those now employed. In May, 1828, Lord Viscount Althorp is reported to have said: 'Although these pensions were placed 'at the disposal of the Crown, they must 'be given under the responsibility and by 'the advice of Ministers, and, therefore, 'the House had a right to demand such 'information as would enable them to ascertain whether the advice given was 'strictly followed.'* His charge against the Government was, that the very arguments now made use of by their opponents were urged by them in 1828, with the same, if not greater force, than at present. The present Chancellor of the Exchequer, Lord Howick, and the present Secretary for the Colonies, voted in support of the Motion of the hon. member for Middlesex, for an inquiry into this subject. If that were so and it could not be denied, how could Ministers reconcile their conduct on this occasion with the doctrines they had then inculcated? The 1st William 4th having passed, the hon. member for Colchester, in 1833, made a Motion for a Return, not only of the names of the persons on the Pension-list, but an account of the services they had performed, and of the consideration for which the pension had been allowed. That Return was ordered on an understanding that an investigation should take place into the principle on which these pensions had been granted. The charge on the Consolidated Fund was one thing—the charge on the Civil-list was another. No attempt had been made by the supporters of this Motion to distinguish the one from the other. That was the point on which the compact turned, for if there was a compact, he could not consent that it should be violated, for the interest of the people required that contracts should be maintained. But he denied the construction of the compact. The sum of 75,000*l.* was placed on the Civil-list to enable his Majesty to grant certain pensions. If the House took a farthing from that sum, there would be a violation of the compact; but while that 75,000*l.* ought not to be diminished, that House had a right to know in what way the sum had been allocated. There was no man who contended that these sums were actually given away at the suggestion of the King—they were disposed of under the responsibility of the Ministers. The Minister was but the organ of the Government, and in what respect was the compact with the King violated by asking—not of the King, but of the Ministers—for an inquiry into this Pension-list, which originated with themselves, had been always under their regulation, and for which they were responsible? It was said that there was a legal right. Did it follow, because a man had received much, where he ought to have received nothing, that therefore he was to receive more? With respect to the persons who stood upon the Pension-list, there was a great distinction between them. Those who had performed real service to the State, had an indisputable title. He was also free to confess, that those who needed, though they did not deserve, pensions, might find, in the humanity of the House, an equivalent for right. God forbid, that Parliament should turn them out pennyless and unpitied on the world. But there was a third class of pensioners who could neither show desert, nor poverty. The hon. member for Colchester had put his finger upon many of these names, and he would not repeat them. Were those persons to be continued in the enjoyment of the pensions? The Ministers had formerly said no; they had now an opportunity of acting on their professions; let them hasten to embrace it, lest the chance of redeeming themselves should never occur to them again.

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* Hansard (new series) xix. p. 835.

Mr. *Lloyd* said, that although he had supported the former Motion of the hon. and learned member for Colchester upon this subject, he could not vote with him on the present occasion, inasmuch as he could not support any Motion which would involve in it a violation of public faith, as well as of a solemn compact between the Parliament and the Crown. Indeed, there was so wide a distinction between the present and the former Motion of the hon. and learned member for Colchester, that he could not reconcile them. He knew the people of England to be just and honourable; and he knew that they were desirous for some inquiry into this subject. He believed they had a just and proper right to call for such an inquiry, particularly when it was admitted upon all hands, that many of the pensions were most grossly and profligately bestowed. He was sorry that his Majesty's Ministers felt it necessary to oppose inquiry; for he apprehended that Ministerial responsibility should for the future be something tangible and real, and not a shadow or a bugbear with which to frighten or alarm the people. Nothing in his opinion could lower this Reformed House of Commons more in the estimation of the people than to treat with scorn the rights of property—that word property being rightly understood. He did not speak of vested rights, and all that sort of property which had been so spoken of, and treated as real property in this House during the discussion of the Reform Bill; but real *bonâ fide* property, which he hoped every one, in and out of this House, would be anxious to protect. He would only say, that under the circumstances he had stated, he would support the Amendment of the hon. member for Derby.

Mr. *Rotch* said, that the people of England would not be satisfied to look at this merely as a legal, but as a practical question. The right hon. member for Tamworth said, that those pensions were sanctioned by a Reformed Parliament; he denied it; a Reformed Parliament never would have concurred in them. It was intimated to him, that he had misstated the right hon. Baronet's expression, which merely meant, that the Pension-list was settled by the Parliament that granted Reform, but not by the Reformed Parliament. Be it so. That Parliament was hampered by the existence of the rotten boroughs which we had now got rid of. We were not to be excluded from revising the Pension-list by their act. Though he would be the last man in the world to fix upon his Majesty the performance of an ungracious act, or to call upon Ministers unnecessarily to undertake an invidious revisal of what had been done by preceding Governments, yet he considered it due to the people to take some steps to remove from their shoulders an odious burthen which was a disgrace to the country that endured it. He was anxious to keep Ministers in their places, because he believed that they were ready to go in the right way, if the House kept them to it; but the House was bound to look sharply, and consider the sentiments of the constituency, otherwise the Members would be left in the lurch. It was his intention, if an opportunity were afforded him, to propose an Amendment of a more practical nature than either of the Resolutions now before the House. ["*Oh, Oh!*"] He wished the Pension-list to be weeded, in order that individuals whose fortunes were sufficient for their support might no longer be a burthen upon the public. With a view to effect this object he resolved to move an Address to his Majesty. That Address he should read, although he hardly expected that in the present temper of the House it would be attended to. But he was speaking for his constituents. He had been called to account by those constituents for his absence on the occasion of the former Motion on this subject. He informed them, that he was prevented from attending by illness, but he did not disguise, that if present, he should have opposed the Motion of the hon. and learned member for Colchester. He also told them, that he thought but little of the present Motion; yet to that Motion he must give his support. He wished he were able to introduce his own: he confessed he liked his own child best. As to the Amendment of the hon. member for Derby, he was grievously disappointed by it. He should endeavour not to detain the House very long; he should read his Address. A few days ago, in his capacity of Magistrate of the county, he had to swear the widow of a person who had been in the navy—a widow with four young children, to the truth of an affidavit. The widow was obliged to swear, that she had not a single farthing beyond the amount of her pension. Why impose such a condition upon her, and not upon other pensioners? Widows, before receiving pensions such as he had referred to, were also obliged to swear, that they had contracted no new matrimonial alliance; thus they were pinned down both with respect to amount of income and marriage. He did not see why what was thought a good rule for one class of pensioners should not be extended to another. The hon. and learned Gentleman concluded by moving an Address to the Crown, expressive of dissatisfaction, that Pensions should be enjoyed by persons in possession of ample private fortunes, and stating, that the abolition of such Pensions would be productive of satisfaction to the country.

Mr. Secretary *Stanley* said, the hon. and learned Gentleman who last addressed the House, had professed himself ready to vote for the original Resolution, or for his own Address, if an opportunity should be afforded to move it, and this for reasons and upon grounds which might just as well have induced him to support the Amendment of the hon. member for Derby. He saw no reason, as far as the hon. and learned Member's expressions went, why he might not vote for either of those propositions as readily as for that to which he appeared disposed to give a preference. For his own part, he felt compelled to object in the very strongest manner to the original Motion, to the Amendment of the hon. member for Derby, and to the proposed Resolution of the hon. and learned Member who had just sat down. He was a little surprised to hear from a learned Gentleman who was Chairman of the Middlesex Quarter Sessions, a declaration, that the people of England would not be satisfied to look at this as a legal, but as a practical question. He was also surprised at the hon. and learned Gentleman's frank avowal, that "he was now speaking for his constituents,"—equally surprised to find, that the hon. and learned Member was prepared to lay aside legal rights and equitable claims, and bring forward a practical measure for weeding the Pension-list. He objected to the original Motion of the hon. and learned member for Colchester, because it was one which led directly to an act of great practical injustice; he objected to the hon. member for Derby's proposition, because it was hardly less unjust in its tendency; and if there was any difference between it and the original Motion, it consisted in this—that the Amendment would neutralize the object sought to be obtained, and do away with its practical effect. Lastly, he objected to the proposed Resolution of the hon. and learned member for Knaresborough, because it was as unjust in principle as the one proposition, and as inefficient in its nature as the other. The hon. member for Tipperary asked, how it was possible that the Secretary for the Colonies and the noble Chancellor of the Exchequer, who in 1828 had voted for a reduction of the Pension-list, could now object to Address his Majesty to revise the Pension-list, or object to the appointment of a Committee of Inquiry on the subject? The hon. Member also said, that we had argued the case as if it were a novelty for the Crown to surrender its hereditary revenues, and afterwards receive a Civil-list and Pension-list upon the amount of which the House was to decide. Now, the right hon. member for Tamworth, who was certainly entitled to the praise of having offered a disinterested support to Ministers, had made a statement which had not as yet received an answer. The right hon. Baronet observed, "that in the peculiar circumstances of the present case there certainly existed thus much of novelty (not meaning by "novelty," the simple surrender of the hereditary revenues of the Crown, and the act of receiving back from Parliament a Civil-list, but)—that certain revenues were surrendered to Parliament which had been formerly left in the unrestricted power of the Crown." The right hon. Gentleman might have added, that there was this further novelty in the arrangement of the present Civil-list—an Act of Parliament had passed which not only recognized the Civil-list, as having been specifically granted on the ground of the surrender of the hereditary Crown revenues, but the Pension-list had been diminished prospectively by one-half. Was there no novelty in this? The hon. Gentleman said, "Do you deny the responsibility of Ministers with respect to the Pension-list?" Certainly not. On the 18th of February last, we affirmed that responsibility by a Resolution of the House. But this was a principle and doctrine that had never been established before. The hon. member for Middlesex made a Motion in 1828, for Returns concerning the Pension-list of that day. His noble friend (Lord Althorp) and he supported that Motion, which implied profuse expenditure on the part of the Government of that day in the matter of pensions, and that a controlling power should be given to Parliament. The answer to this Motion was, "You surrendered the Pension-list fully and unequivocally; it is given up to the disposition of the Crown; we are not bound to answer for it; by refusing to accede to your Motion, we deny, that there has been lavish or extravagant expenditure, and by adopting that course we also negative your declaration, that the Crown is to be limited by Parliament in the exercise of its discretion with respect to the Pension-list." That was the doctrine of the Minister in 1828, but it was not our doctrine then or now. In 1828, Parliament decided against us, but more recently it had decided for us. It was asserted, that Parliament had a right to inquire into the Pension-list; undoubtedly it had, but when?—when the Crown held its hereditary revenues at its own disposal, when Parliament was making an exchange with the Crown, and agreeing to the terms of the Civil-list in return for the surrender of those revenues. That was the time to investigate the Pension-list and examine into the propriety of it. Had Parliament enjoyed no opportunity for such examination of the Pension-list on the accession of his present Majesty? Undoubtedly it had. A printed account of persons upon the Pension-list was laid upon the Table of the House in December 1830; in July, 1831, a vote of credit was taken on account of the amount unprovided for; and it was certainly true, that on that occasion his noble friend made use of an expression with exceeding candour, which had been referred to by the hon. and learned member for Colchester. His noble friend did say, "that the whole subject was open to the investigation of Parliament." But when was this? on what occasion had his noble friend said so? On proposing a vote of credit for temporary expenditure till the House should make a final settlement of the matter. The Pension-list was again reprinted in the Session of 1831, and not until the Session of 1832, was the Act finally passed which concluded the bargain with the Crown with respect to the Civil-list given in exchange for the hereditary revenue surrendered on the accession of his present Majesty. Then was the time to institute an inquiry into the Civil-list or Pension-list if anything could be adduced against it. The whole subject was then before Parliament, which had the Pension-list for a period of eighteen months under consideration. A final arrangement was then made—the individuals upon the Pension-list being then before the House. No objection was made to any one item. He believed the hon. member for Middlesex did bring forward an Amendment in the Act, not however for the purpose of reconsidering individual grants contained in the Pension-list, but with a view to the Amendment of all, and for the purpose of having the pensions charged on the Consolidated Fund laid annually before Parliament, in order to prove to the satisfaction of the House, that the pensions were not unnecessarily or improperly given. What took place on that occasion? So far was the House from assenting to the hon. Member's proposition. It fell to the ground, because it actually did not find a seconder. On the third reading of the Bill the same hon. Member re-stated his objections, but said, that, having recorded his opinion on the subject, he had now no further objection to offer to the passing of the Bill. Thus, the Act by which Parliament effected an exchange with the Crown—giving a certain Civil-list for a certain amount of revenue relinquished by his Majesty—received, after being eighteen months before the House, as full an assent as any legislative measure could obtain. It was stipulated, that a certain number of pensions, as they fell in, should be carried to the credit and benefit of the country. This was the solemn engagement which it was now proposed to you to violate, either by calling on the Crown to do that which no private gentleman, in his family arrangements, could do without disgrace, or by appointing a Committee of Inquiry, which, if it led to the revision or weeding of the Pension-list, could only proceed by an Address to the Crown, praying his Majesty to act on its recommendation to that effect. With regard to an Address to the Crown, he believed it to be the more constitutional course to address the Crown to revise that grant which the Crown had made. But let Gentlemen consider the circumstances of the case. Suppose any gentleman had come into the enjoyment of his estate, with certain annuities charged upon it, which, from some circumstance or other, were not supported by any strictly legal claim or title. Suppose that, on coming to his majority, and entering upon possession of his estate, he had solemnly confirmed those claims, not by legal instrument, but on his word as a man of honour, and had engaged to continue the annuities, so long as he retained possession of the property—assuming all this, he asked the House, as an assembly of Gentlemen, what they would think if this individual were to turn round on the annuitants afterwards, and call for their stamps and conveyances, to make out their claim to that which they trusted to the word of honour of the possessor to secure to them? And what would the House say to the man who, being the confidential friend and adviser of this individual, would thus address him—"True, you have pledged your word to these annuitants—true, your faith is plighted, and you cannot retreat from your engagement without dishonour—but here is an unpopular man you have given an annuity to; and you may curry some favour with your constituents in a neighbouring borough." He referred to the acknowledged principle of the hon. Chairman of the Middlesex Quarter Sessions. "I therefore advise you to retract your plighted word, and put the annuitant on his legal remedy, which you know he has not." If any man were to give such advice to a gentleman, his friend, he would be treated with that indignation and contempt, which a proposal of that kind deserved. Could he, then, venture, as a Minister of the Crown, to offer to his Sovereign that species of insult which he durst not offer to a private friend? He said it, he trusted, in no unbecoming tone, and with no want of respect for the authority of the House; but be their decision what it might—whether Parliament chose to address the Crown on the subject of the Pension-list; or in any other mode or manner to interfere with those rights to which he considered the Crown and the Legislature as being in law and honour pledged—he would not be one of the persons to recommend his Majesty to revise or retract what had been solemnly granted. In deference to the opinion of the House, there were many sacrifices which men were bound to make—men holding responsible situations, not, God knew, from love of office, or through a desire of retaining place, but from the consideration, that when Ministers accepted office they were bound to make every sacrifice, which they could, consistently with honour, in order to carry on public affairs smoothly; but there were sacrifices which no men were required to make—sacrifices which, if they did make, the public usefulness of Ministers must be destroyed, because their private honour would be gone for ever. Ministers would be disgraced if, upon such grounds, they swerved from what they believed to be the correct line. "Well, but then," said the hon. Gentleman, "why not vote for my amendment?" The question was this—were the Motion and the Amendment the same things, or were they different? Was it intended, by the Amendment, to affirm the principle of deprivation, as well as by the Motion? What signified the principles or the views of either one or the other, if the conclusions of both were the same? Did the Amendment contend for the power of taking away what was the property of others, or did it merely seek for inquiry? The former was evidently the result both of the Motion and the Amendment, although he did not doubt that the views and principles entertained in putting them forth were entirely different. It might be said, that the only object of the Motion was, in effect, to look into the system by which pensions were granted. That was unnecessary. Ministers had affirmed the principles on which pensions ought to be granted, and the House had already established that principle. There was then no subject matter for inquiry. He did not mean to dispute with the hon. Gentleman that Ministers were responsible for what they did, and that this rule attached to the acts of any ministry, whether past or present; but if the hon. Gentleman were to come forward with a Motion, or an Amendment on a Motion, and move for an Inquiry into the conduct of Ministers who concluded the peace of Amiens in

1802, or any Ministerial measure in 1804, he would object to the Motion as unnecessary, and he should resist it, he hoped, successfully. But the hon. Member said, "I want to read over this Pension-list, that I may see what persons of large property receive pensions." Now he would allow, that he should consider a man who enjoyed a large private fortune at the time he was in the receipt of a pension as acting in a manner which he should not consider very praiseworthy. But he did not know, that he should therefore attempt to deprive him of his pension. The Committee which sat for the purposes of inquiry into civil pensions, confined their investigations to those which were affirmed to be granted for diplomatic services; but they did not, like the hon. Member, lay down a rule similar to that which he proposed to establish, but thought it better to express their strong disapprobation of prodigal grants, and, following up Mr. Burke's plan of economical reform, to recommend a reduction of the sum thus disposable to 40,000*l.* per annum, looking by this means to check any improper distribution of the bounty of the Crown. But the hon. member for Knaresborough, though he was a Chairman of the Quarter Sessions, had determined to pass by all the law of the case, and was intent on weeding the Pension-list, and striking off all persons who possessed any private income. Now, whether they had private property or not, had nothing to do with the question. Either they had a legal claim or they had not. If they had, their claim must be allowed; if not, how could their demands be set aside, and the claims of others be recognized? His own argument might be sufficient for the hon. Member, but would it palliate the conduct of a Committee in refusing to listen to legal claims? The hon. and learned member for Tipperary had drawn a distinction between the pensions charged on the Pension-list and those on the Consolidated Fund. What was to be said of the justice which would leave all those whose names happened to begin with the letters from A to H, while those who were fortunate enough to have their initials in the remainder of the alphabet were to be cut off? The allocation of the claims, be it remembered, was made by this very Parliament who had passed this Act, which not only said, that they should be paid, but deliberately fixed the sources from whence the payments were to come. This reminded him that the hon. and learned member for Knaresborough had asked from whom did this Pension Act emanate, and called upon the House to consider it as nothing, because it was a law made by an unreformed Parliament. Good God! If he—again the Chairman of the Middlesex Quarter Sessions—if he was prepared to advance such reasons as these in his decisions on the Bench—if, when a party called upon him to enforce an Act of Parliament, he replied to them, "Oh, yes; true it is that this is the law according to the Act; but then the Act was passed by the corrupt boroughmongers, and therefore it is a dead letter;"—if so, all he could say was, God help the unfortunate persons who had their legal rights at the mercy of such a judge! The hon. member for Chester had told his Majesty's Ministers, that they were fast forfeiting the confidence of the country, and that there was more good to be hoped from others than from them. If they had lost the confidence of the country, all he could say was, that the sooner they ceased to be the Ministers of the Crown the better. It might be of little consequence who sat on that side of the House, who on the other; there might be in the vast stores of principle and intelligence which abounded in that House—many who would give more satisfaction to the hon. member for Chester than the present Ministers could hope to do; but he did hope that the time would never come when any Minister, or any Parliament, would be found to recognise the monstrous doctrine, that in a reformed Parliament they were not to regard the acts of the unreformed House as law—and not to observe the solemn engagements which had been made with the Sovereign in consideration of the substantial advantages surrendered by him to the people. But, if so, he trusted there never would be found the Minister bold enough, or base enough, at the command of any Parliament, to insult his Sovereign by the advice to violate his plighted word.

Mr. *O'Connell* observed, that he should say a very few words, and he should not have said any thing at all, but for the boldness that contended for a contract that did not exist, or a law which had not been passed. He denied, that either existed. The noble Lord said, that there was a legal right on the part of those who enjoyed the pensions granted; but why did not the noble Lord ask the opinion of the law officers of the Crown? A Pension-list had been granted; true, and pray who had sought to cancel it? It stood on an Act of Parliament which he held in his hand. And for what term were these pensions granted? For the life of the King? No.—For the life of the party? No.—For what term, then? Why, during pleasure; during his Majesty's pleasure. —What, then, became of the legal right? The hon. member for Knaresborough was taunted with this phrase, but, he would ask, where was the legal right? And if this legal right were so firmly established, pray what was the meaning of the responsibility of Government? A Tory Government was at least consistent, when it insisted that any interference with the Pension-list was an infringement of the Royal prerogative; but when the Ministers admitted formerly that there ought to be a responsibility, and now professed to be subjected to it, what was it but an empty sound? He thought there was more prudence than chivalry in the part taken by the right hon. member for Tamworth, and that the Administrations with which he had been connected had but little reason to triumph in the distribution of their favours; there were private reasons at work in the course that had been followed; but it was not a feeling of false delicacy, forsooth, which should deter a man from supporting what he believed to be the truth. False delicacy! he liked the word. When thousands were in a state of destitution, when the agricultural interest was in the lowest state of depression, we heard high and haughty speeches in favour of those who, of all persons, ought not to fatten on the public purse; yet we had a most pompous oration to demonstrate that characters of high birth and dignity should not be treated with neglect. Why should not the Crown receive the same advice from its confidential servants as a friend would tender to a friend? Suppose a man to say to another, "Here is a sum of money, which you are and have been in the habit of allowing this woman, who is a most improper object of your bounty; for heaven's sake, do not let her enjoy it any longer; your pleasure determined its commencement, and should its termination." When he spoke of private reasons for opposing the Motion, he did not mean to say, that the right hon. Secretary for the Colonies, or the noble Lord, were influenced by such motives; he did not even mean to insinuate it, and so the right hon. Gentleman was quite safe. Government stood in the situation of trustees for the State, but the present Ministers had done nothing this Session for the country; they had got the money they wanted, to be sure, but that was all they had even tried at. Let them, at least, grant that inquiry, which was a small boon, though it might do great good as an evidence, that Ministers had not altogether lost sight of their duty to satisfy the people.

Mr. *Harvey* observed, in reply, that it was his intention to take the sense of the House upon the original Motion; and if that were lost, it was his intention to vote for the amendment, and he was induced to adopt this course, in order that no one might have an opportunity to explain to others that the retreat of the original Motion had compelled him to oppose the inquiry. The hon. Secretary for the Colonies had met this Motion in great candour. He had at once told the House, and in that respect he had removed suspicions and whispers of apprehensions, that in the event of either of those Motions being carried, it was the signal of his retreat from office, accompanied by all his colleagues; but there was another party whose opinion remained to be expressed. We had two Cabinets; we had two sets of Ministers; one was at least gratuitous, for though the right hon. Gentleman opposite formed the Cabinet of the Crown, the real Government of the country was the right hon. member for Tamworth. No hen was more anxious to bring her chickens under her wings, than were the right hon. Gentlemen opposite to acquire the favour of that right hon. Member. Night after night they were sending forth leering looks, and an expression of gratification beamed over their previously gloomy countenances, the moment it was ascertained to what point the right hon. member for Tamworth meant to steer. Not that it was matter of reprehension, because all knew what general coincidence of sentiment there was upon both sides, and that Ministers might generally calculate upon perfect concurrence. Ministers seemed to be joining in the present system of intimidation. The tailors had struck, and the country was now threatened with a strike in the Cabinet. He had no doubt, however, that the people would derive comfort from the same source from which the master tailors had found comfort in the absence of their men—viz. that old women might conveniently supply their places. Now, as to the amendment of the hon. member for Derby, he thought, with all due respect to the hon. Member, that he took too high a tone when he said, that he could not, as an honest man, support the original Motion. The hon. Member appeared to him to follow too much the course of a Jesuit, to lay any strong claim to honesty, for never was there a Motion which bespoke such unenviable dexterity as the Motion of the hon. Gentleman. He never would, and never could, vote for any proposition which, meaning nothing, was designed to produce an effect against the Government. He disliked the commentary of the hon. Member's speech, more than the terms of the Motion. As a resolution, nothing could be more clear and satisfactory. He asserted, that this Pension-list was full of abuse. He took it for granted, that they were not to have a Committee of Jesuits, who were to be the sole interpreters of this amendment? There were to be some persons in it who were to have some little sympathy with the views and objects of those who supported the original Motion. It might be found, that some of these pensions were granted on grounds which would find no supporters, and that our hair would stand, and our blood chill, when we heard the narrative of the reasons for which they were conferred. What did the hon. member for Derby mean to do with discoveries of this sort? Did he mean to say, that it was at variance with a high sense of honour to ask his Majesty to discontinue the whole of the Pensions which should be so granted. We must come, then, to the original Motion. He was, therefore, content to vote for the amendment, because, in its spirit and result, it embraced the object he contemplated. It was said, that these were vested rights. But would it not be too much to say to the nobility of England, your title to your estates is no better than the vested rights of these Pensioners. Why, if any Radical had said, that private property, the ancient possessions of our nobility, and the diversified properties of this country were held on no better or more sacred tenure than the grants in this Pension-list, it would have been exposed by the right hon. Secretary for the Colonies, in the most vehement language of bitter invective, as marking the lax morality of the movement. But let us come to the question, that these Pensions were granted by Act of Parliament. He denied, that that was law in this House—he denied, that, if any one of these Pensioners was to bring his pension to market, and send a title to a conveyancer in Lincoln's Inn, to prepare an assignment on behalf of a purchaser, that the conveyancer would do otherwise than say, "You have no title beyond the will of the Crown." Three of these pensions had so come under his notice; and the answer had been, "the purchaser must exercise his own discretion, because it is competent to the Crown to withdraw them, and, on a demise of the Crown, to annul them." He had known pensions worth fifteen or sixteen years' purchase sell for twenty-four months' purchase. Suppose his Majesty had thought fit to erase the whole of the Pensions, would it not have been considered a most outrageous attack on the Crown to dispute his power? Would it not have been said, "his Majesty has the sole disposal of the money; he can deal with it as he thinks fit; and if your case does not come before the Crown with some reasons which recommend it to consideration, you have no remedy, and no just ground of complaint." If his Majesty were to die to-morrow, and the Pension-list were to be held sacred, there would be a perpetuity of vested rights. It was said, that vested rights were likely to be endangered. On this subject he would read an extract from a speech, with which he would conclude. It was well entitled to consideration, because it spoke to the point; it put to silence the argument of vested rights, and came from a quarter of all others most entitled to respect. It was a speech of the right hon. the First Lord of the Admiralty, who, when on this side of the House, brought forward a series of Motions, the first of which was a return of all Pensions received by Privy Councillors. The hon. Baronet said: 'Before I sit 'down, I beg to refer to the argument 'with which I know we shall be met upon 'this occasion, as we have often been met 'before—I mean by the argument of vested rights. If the House will pardon me, 'as that argument has been answered in 'better language than I could possibly 'use,—in terms, too, most carefully considered by the noble Lord who used 'them,—I will quote them from the last 'speech delivered in this House by the

Marquess of Londonderry. It was upon a motion, in which, in opposing the opinion of Mr. Canning on this subject, the noble Lord said: "If this notion of vested interests and freehold rights were to go forward, then there must be an end of legislation; these rights and interests would meet them at every turn, and put a stop to every measure, however beneficial or necessary. Why should the public offices be conducted on a plan different from private concerns? If a banker or private merchant wished to remove a clerk, or to lower his salary, he did it at once. Now, would any man contend, that that clerk would have a right to turn round and say: 'I gave up a fellowship at College, and a place in the Church to accept of your clerkship; and, therefore, you ought not to dismiss me.' If any hon. Member on the other side were to bring forward a Motion of this kind—" Ay, Sir, these were days before we, on this side of the House, had transferred our services to the Crown, and had deserved by our conduct, the name of "his Majesty's Opposition."—"If any hon. Member on the other side were to bring forward a motion of this kind, and he (Lord Londonderry) were to meet it by saying, that the salaries in the public offices were vested rights—were a kind of freehold, and could not be tampered with, the idea would be scouted." These, Sir, were some of the last words of that noble Lord in this House. They merit our praise, for they were true; they deserve to be inscribed on our recollection, and I trust that they will not be forgotten in the vote of to-night. It is the higher classes of officers that are the subject of my Motion; it is they upon whom I propose to take your vote to-night; it is they who are included in the Returns for which I am about to move. I seek to regulate them; and until I see these returns denied me by the vote of this House, I will not believe that even the influence of the Minister of the Crown will be sufficient to refuse them. I have read somewhere—and I fully subscribe to the truth of the observation,—that the mark of a wise and prudent government, and that which distinguishes it from an unwise and imprudent government, is, well to know the time and manner at which no longer to refuse what is demanded of it. Let the Government now show its wisdom and prudence; for, if ever there was a time when the people of this country imperatively demanded a searching scrutiny into the public expenditure, it is at this moment. I will put to public proof the question, whether the conduct of the Ministers deserves to place them high in public opinion, on the score of the use they make of their patronage. On that subject we have a pledge of theirs, most solemnly put forth, that they would voluntarily make every saving required by the public interest, and capable of being carried into execution consistently with the public safety. I will put that pledge of theirs to the test—I will propose a measure of substantive retrenchment, economy, and reform. That is the issue which we are to try to-night. On a former occasion I yielded—I took their pledge. Let them now redeem it; let them give me these returns; and we shall then see whether they have been willing to keep good faith with this House and with the people of this country.'* It was in this spirit, that he invoked the House. His Motion would be a test of their sincerity, and of that their constituents would be the judges.

The House then divided on the original Motion—Ayes 148: Noes 390: Majority 242.

The House divided again upon Mr. Strutt's Amendment—Ayes 230: Noes 311: Majority 81.

List of the AYES *on the First Division.*

ENGLAND.

Adams, E. H.
Aglionby, H. A.
Attwood, T.
Baillie, J. E.
Bainbridge, E. T.
Barnard, E. G.
Beauclerk, Major
Berkeley, Hon. G. C. F.
Berkeley, Hon. C. F.
Bewes, T.
Bish, T.
Blake, Sir F.
Blamire, W.
Blandford, Marq. of
Boss, Captain J. G.
Bowes, J.
Briggs, R.
Brotherton, J.
Buckingham, J. S.
Bulwer, E. L.
Chaytor, Sir W.
Clay, W.
Codrington, Sir E.
Collier, J.
Crawley, S.
Curteis, H. B.
Curteis, E. B.
Dashwood, G. H.
Davies, Colonel
Dykes, F. L. B.
Edwards, J.
Ellis, W.
Etwall, M.
Evans, Colonel
Faithfull, G.
Fellowes, Hon. A. W.
Fenton, J.
Feilden, W.
Fielden, J.
Fleetwood, P. H.
Fort, J.
Fryer, M.
Gaskell, D.
Godson, R.
Goring, G. H. D.
Grote, G.
Guest, J.

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* Hansard (new series) xxiv. p. 741.

Gully, J.
Hall, B.
Halse, J.
Handley, H.
Handley, Major
Hardy, J.
Heathcote, J.
Hill, M. D.
Hoskins, K.
Hughes, H.
Hudson, T.
Humphrey, J.
Hutt, W.
Ingilby, Sir W.
James, W.
Jervis, J.
Kennedy, J.
Langton, Colonel G.
Leech, J.
Lennox, Lord W.
Lester, B. L.
Lester, E. C.
Marryatt, J.
Methuen, P.
Mills, J.
Parrott, J.
Pease, J.
Philips, M.
Potter, R.
Ramsbottom, J.
Richards, J.
Rickford, W.
Rippon, C.
Robinson, G. R.
Roebuck, R. A.
Rotch, B.
Scholefield, J.
Scrope, C. P.
Spry, S. T.
Tancred, H. W.
Tennyson, Rt. Hon. C.
Tollemache, A. W.
Tooke, W.
Trelawney, Sir W. L. S.
Turner, W.
Tynte, C. J. K.
Vincent, Sir F.
Walter, J.
Wason, R.
Watkins, J. L.
Warburton, H.
Whalley, Sir S.
Williams, Colonel
Williams, W. A.
Wilks, J.
Wilmot, Sir E.
Wood, Alderman

SCOTLAND.
Gillon, W. D.
Oliphant, L.
Oswald, R. A.
Oswald, J.
Parnell, Sir H.
Sandford, Sir D. K.
Wallace, R.

IRELAND.
Baldwin, Dr.
Barry, G. S.
Bellew, R. M.
Blake, M. J.
Blackney, W.
Butler, Hon. Colonel
Chapman, M. L.
Copeland, Ald.
Finn, W. F.
Fitzgerald, T.
Fitzsimon, C.
Fitzsimon, N.
French, F.
Grattan, H.
Lalor, P.
Lynch, A. H.
Macnamara, F.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, C.
O'Connell, Maurice
O'Connell, Morgan
O'Dwyer, A. C.
O'Ferrall, M.
O'Reilly, W.
Roche, W.
Roche, D.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Talbot, J. H.
Vigors, N. A.
Walker, C. A.
Wallace, T.

TELLERS.
Harvey, D. W.
Hume, J.

PAIRED OFF FOR THE MOTION.
Bulwer, H. L.
King, E. B.
Molesworth, Sir W. E.
O'Connell, J.
O'Connor, F.

List of the Ayes *on the Second Division.*

ENGLAND.
Adams, E. H.
Aglionby, H. A.
Astley, Sir J. D.
Attwood, T.
Baillie, J. E.
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Beauclerk, Major
Benett, J.
Berkeley, Hon. G.
Berkeley, Hon. C.
Bewes, T.
Bish, T.
Blackburne, J.
Blake, Sir F.
Blamire, W.
Blandford, Marq. of
Blunt, Sir C.
Boss, Captain
Bouverie, Hon. D.
Bowes, T.
Briggs, R.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buckingham, J. S.
Bulwer, E. L.
Cayley, E. G.
Chaytor, Sir W.
Clay, W.
Codrington, Sir E.
Collier, J.
Curteis, E. B.
Curteis, H. B.
Dashwood, G. H.
Davies, Colonel
Dawson, E.
Denison, W. J.
Dick, Q.
Dillwyn, L. W.
Divett, E.
Dundas, Capt.
Dykes, F. L. B.
Edwards, J.
Ellis, W.
Etwall, R.
Evans, Colonel
Ewart, W.
Faithfull, G.
Feilden, W.
Fellowes, H. A. W.
Ferguson, Sir R.
Fenton, J.
Fielden, J.
Fleetwood, H.
Fort, J.
Fryer, R.
Gaskell, D.
Godson, R.
Goring, H. D.
Grote, G.
Guest, J. J.
Guise, Sir B. W.
Gully, J.
Hall, B.
Halse, J.
Handley, B.
Handley, H.
Hardy, J.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Heathcoate, J.
Hill, M. D.
Hodges, T. L.
Hoskins, K.
Hudson, T.
Hughes, H.
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Ingham, R.
Ingilby, Sir W.
James, W.
Jervis, J.
Kennedy, J.
Langdale, Hon. C.
Langton, Col. G.
Leech, J.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lennox, Lord W.
Lester, B. L.
Lister, E. C.
Lloyd, J. H.
Locke, W.
Madocks, J.
Marryatt, J.
Martin, J.
Methuen, P.
Mills, J.
Molesworth, Sir W.
Moreton, Hon. A. H.
Morrison, J.
Ord, W. H.
Parker, J.
Parrott, J.
Pease, J.
Pendarves, E. W.
Petre, Hon. E.
Philips, M.
Philpotts, J.
Plumptre, J. P.
Potter, R.
Poulter, J. S.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Richards, J.
Rickford, W.
Rider, T.
Rippon, C.
Robinson, G. R.
Roebuck, J. A.
Romilly, J.
Scholefield, J.
Scott, J. W.
Scrope, C. P.
Seale, Colonel
Shawe, R. N.
Simeon, Sir R.
Spry, S. T.
Stanley, E. J.
Staveley, T. K.
Tancred, H. W.
Tennyson, Rt. Hon. C.
Thicknesse, R.
Thompson, Ald.
Todd, R.
Tollemache, Hon. G.
Tooke, W.
Torrens, Colonel
Townshend, Lord C.
Trelawney, W. L. S.

Turner, W.
Tynte, J. K.
Vernon, Hon, G.
Vincent, Sir F.
Vivian, J. H.
Walter, J.
Warburton, H.
Wason, R.
Watkins, J. L. V.
Watson, Hon. R.
Whalley, Sir S.
Wilbraham, G.
Wilks, John
Williams, Colonel
Williams, W. A.
Wilmot, Sir E.
Windham, W. H.
Winnington, H. J.
Wood, Alderman
Yelverton, Hon. W. H.
Young, G. F.

SCOTLAND.

Abercromby, Rt. Hn. J.
Bannerman, A.
Dunlop, Captain
Ewing, J.
Fergusson, R. C.
Gillon, W. D.
Johnston, A.
Maxwell, J.
Murray, J. A.
Oliphant, L.
Oswald, W. A.
Oswald, J.
Parnell, Sir H.
Pringle, R.
Sandford, Sir D. K.
Sharpe, General
Sinclair, D.
Stewart, Sir M. S.
Wallace, R.
Wemyss, Captain

IRELAND.

Baldwin, Dr.
Barry, G. S.
Bellew, R. M.
Blackney, W.
Blake, J.
Butler, Hon. P.
Callaghan, D.
Chapman, M. L.
Copeland, Alderman
Evans, G.
Finn, W. F.
Fitzgerald, J.
Fitzsimon, C.
Fitzsimon, N.
French, F.
Grattan, H.
Jephson, C. D. O.
Lalor, P.
Lynch, A. H.
Macnamara, F.
Macnamara, Major
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, C.
O'Connell, Maurice
O'Connell, Morgan
O'Connor, Don
O'Dwyer, A. C.
O'Ferrall, M.
O'Reilly, W.
Roche, W.
Roche, D.
Ronayne, D.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Talbot, J. H.
Vigors, N. A.
Walker, C.
Wallace, T.

TELLERS.

Strutt, E.
Romilly, E.

OBSERVANCE OF THE LORD'S DAY.] Mr. *Hesketh Fleetwood* moved for leave to bring in a Bill for the better observance of the Lord's Day. The hon. Member explained that his Bill would consolidate several Acts of Parliament, and regulate the opening and closing of public-houses on the Sabbath.

Mr. *Hughes Hughes* said, that in rising to second the Motion, he begged to remind his hon. friend, that one of the objects for which he had stated it was in his contemplation to provide by the Bill he sought to bring in, had been effectually attained by a Bill which the hon. Baronet, the member for Wigtonshire (Sir Andrew Agnew) and himself, introduced, and which passed into a Law in the last Session of Parliament, viz., "the Act to enable the Election of Officers of Corporations, and other Public Companies, previously required to be held on the Lord's Day, to be held on the Saturday next preceding or on the Monday next ensuing;" the beneficial effects of which Statute had been already experienced, inasmuch as, Michaelmas Day having last year fallen on Sunday, the elections alluded to must, without it, have taken place on that day, throughout the kingdom. He was most anxious to see the provisions of the Bill of his hon. friend, and, therefore, cordially seconded his Motion.

Mr. *Roebuck* thought it was quite wrong to proceed at that hour of the morning with such a measure, and therefore he would offer it his determined opposition. He would divide the House on the subject.

Mr. *George F. Young* supported the Motion. The present law was found to be inefficient, and, therefore, he wished to see it amended.

Mr. *Warburton* thought, after so much crude legislation had been had on this subject, that it would be well to postpone the present measure. There were clauses of the present Bill totally at variance with the usages of society, and he, therefore, would oppose it at every stage.

Mr. *Ewart Gladstone* supported the Motion. The Bill was different from any one before presented. It was calculated both to simplify and strengthen the law; and he therefore would support it.

The House divided—Ayes 48; Noes 20: Majority 28.

On the main Question being again put, the further debate on the Question was adjourned.

HOUSE OF LORDS,

Tuesday, May 6, 1834.

MINUTES.] Bills. Read a first time:—Law of Forfeiture; Warwick Borough Witnesses' Indemnity.—Read a second time:—Liverpool Borough Witnesses Indemnity.

Petitions presented. By the Marquess of WESTMEATH, from Castletown, and two other Parishes, for the Repeal of the Union.—By the Earl of ROSEBERY, from a Friendly Society at Leith, for Extending the Provisions of the English Savings' Bank Act to Scotland.—By the Duke of WELLINGTON, from the Congregation at the Scots Church, London Wall, for the Better Observance of the Sabbath.

PORTUGAL — SIR JOHN CAMPBELL.] The Marquess of *Londonderry* rose, in pursuance of notice, to move for papers concerning our relations with Spain and Portugal, and the imprisonment of Sir John

Campbell, a British subject, in the dungeons of Lisbon. No one was more sensible than he was of his inadequacy to bring this subject properly forward; but, considering its importance (as it had not been taken up by any other noble Lord), he was extremely anxious to place it in a correct light before their Lordships for their opinion. The relations between this country and the Peninsula formed a grave subject for consideration, which had ever excited the deepest interest in this country. He was sorry to say, however, that since his Majesty's present Ministers had been placed at the head of the Government, a system of policy, not only with respect to those, but to other countries, had been pursued, so different from that which had formerly prevailed, and which had then been productive of great benefits, that he must refuse to the policy of his Majesty's present Ministers his approbation. For what reason the antient policy of this country had been departed from, or in favour of what new and more improved policy, he knew not, unless, indeed, it were in favour of that alliance with France, which had been so unnecessarily, in his opinion, contracted, and which it seemed to have been the direct aim of all the acts of the noble Earl's Government latterly, to make more and more binding. He was not an advocate for a state of hostility between nations; but there was between France and England such a natural rivalry, that it was impossible they could long remain friends; and any policy founded on the principle that they could, must be unsafe. What was there, he would like to know, in the state of Europe, or the conduct of France, with reference to the different Powers of Europe, to justify the noble Earl, even to himself, in thus abandoning old and tried principles, for an alliance with that country? Was not the present unsatisfactory condition of Holland the work of France? And what was the state of Belgium? We had, to be sure, placed a king on the Throne of Belgium; but was that country anything but a province of France? The noble Marquess then referred to the conduct of France in keeping possession of Algiers, with the view of colonizing Africa, contrary to all the pledges and promises of French Ministers. When he saw these acts, and several others, all tending to increase the power and influence of France,—when he saw Holland insulted, Austria abandoned, Russia regarded as a hostile power, with which at the same time we dared not interfere, it could surprise no one, that he should feel anxious to know upon what grounds of policy the noble Earl thought fit to contract and maintain so strict an alliance with the French Government, preferring that to all other considerations. France had been successful at our Court by having her interests represented in this country by the most wily politician in Europe, as the modern history of Europe would amply testify. The noble Earl, he knew, might answer that his foreign policy had been successful in maintaining the peace of this country. To that plea, he (the Marquess of Londonderry) should be disposed to answer, that peace might always be purchased, provided the sacrifice offered were sufficiently great. He feared, however, that Ministers had been overreached by the wily politician he had just alluded to. A treaty, it was understood, had recently been entered into between England, France, Spain, and Portugal, relative to the affairs of the Peninsula, on which, though it had not been officially communicated, yet, as it had been pretty generally published throughout the world, he might, without impropriety, make some observations. That treaty was intended, he understood, to banish Don Carlos and Don Miguel from the Peninsula, which would be the *coup de main* of Talleyrand's political life. He must deplore the short-sightedness of Ministers, and the want of firmness and sagacity, which permitted them to be moved at pleasure like the puppets of this skilful diplomatist's will. His Majesty, in his Speech at the commencement of the Session, had said—"Upon the death of the late king of Spain I did not hesitate to recognize the succession of his infant daughter; and I shall watch with the greatest solicitude the progress of events which may affect a government, the peaceable settlement of which is of the first importance to this country, as well as to the general tranquillity of Europe." Such were the words of his Majesty. But had any steps been taken for the peaceable settlement of that country? On the contrary, the course of policy that had been pursued seemed only to encourage civil war. The noble Earl, he apprehended, would scarcely pretend, that even neutrality had been preserved. In the civil war in Spain, and in the contest in Portugal, the policy of this country had been throughout to uphold the party most inimical to British interests. Could the noble Earl say, that neutrality had been maintained in Portugal, when a Spanish force had been allowed to cross the frontiers to favour the partisans and succour the cause of Donna Maria? Now, he would ask, had this been done with the assent of the British Government? If so, where was the consistency of the noble Earl, and of those noble Lords opposite, who were members of the Government when Mr. Canning sent a British force to Portugal to repress the aggression of Spain? When he looked at the speech made by the noble Earl upon that occasion, and at the speeches of other noble Lords near him, he could never believe, that the Administration of which the noble Earl was the head had entered into such a treaty as he had seen described. Had this aggression of Spain, and five or six other equally notorious violations of neutrality been permitted to pass without remonstrance from the British Government, or without steps being taken to prevent their repetition? He should like to know how the noble Lords opposite could reconcile the aggressions they were now advocating with their former conduct. In June 1827, on the occasion of a Message being brought down to this House from the Throne, relative to Portugal, the noble Earl at the head of the Government spoke as follows :—'I think the independence of Portugal a great object; but I do 'hope, that in pursuing that object, we 'shall not suffer ourselves to be led into 'the support of a principle which can 'never be acted upon without detriment to 'this country. With the constitution of 'Portugal we have nothing to do. It was 'not our work,—it was not recommended 'by us. Whether it be good or bad,— 'whether it be more or less consonant to 'the interests of the people,—whether it 'be more or less accordant to their desires 'or dispositions,—whether the party opposing or supporting it be right or wrong, '—whether Don Pedro, having made his 'election of the Crown of Brazil, and 'having resigned the Crown of Portugal, 'had a right to send a constitution to Portugal and enforce obedience to it,—all 'these are questions with which we have 'nothing to do; they are questions for the 'Portuguese themselves to decide; and 'any interference with them, on our part, 'would be a violation of those national 'rights, and that national independence 'which it is our duty on all occasions to 'support.*' On a previous occasion when a further Message relative to the same subject had been sent down to their Lordships, the noble Baron (Lord Holland) said,—'That eloquence might be very 'great, but, when he viewed the relation 'in which France stood towards Spain,— 'when he saw that she might command, 'or, to use a milder term, that she might 'ensure a ready obedience to her request, 'he would say, that it was idle to talk of 'transmitting eloquent papers. It was 'only waste of pen and ink, when she 'could, at a single word, produce the desired effect. If France were to say, in 'the words of the farce, "Go call a coach, 'and let a coach be called," Spain must do 'it.*' The present conduct, then, of those noble Lords seemed to him unaccountable. He wished the noble Earl would inform him what course it was intended by his Majesty's Government to pursue with regard to Spain and Portugal. While the noble Earl, however, was permitting all manner of unwarrantable things to be done in favour of Don Pedro, British subjects were treated by him with every possible cruelty and oppression. The conduct of that prince in this respect, was the chief cause why he was desirous of calling the attention of the House to the Motion he had that evening to make. He was most anxious to bring the condition of Sir John Campbell, a gallant British officer, who was at present languishing in a dungeon, in Lisbon, under their Lordships' consideration, and obtain their interference in his favour. Sir John Campbell had served in the army of Don Miguel, but, after he had left that service, he had unhappily fallen into the hands of Don Pedro, and had been most cruelly treated. To this part of the subject of his Motion, he wished more particularly to attract the attention of their Lordships, at the same time, he would not make many observations on it; neither would he have introduced it at all, or at least he would not have pressed it so strongly, if it had not been for the cruelty exercised towards Sir John Campbell by Don Pedro. But, under all the circumstances, he could not suffer himself to remain silent on this occasion, and he should, therefore, bring the situation of Sir John Campbell under their Lordships' attention. Sir John Campbell had thought proper to enter into the service of Don Miguel, which, however, he soon after quitted. From the time that he left the army of

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* Hansard (new series) xvii. 1167.

* Hansard (new series) xvi. p. 346.

Don Miguel, as appeared from a document signed with his own name, he had never filled any situation whatever, under that individual's Government. He left the service of Don Miguel, and was proceeding to this country, when the vessel in which he sailed was captured by a schooner off Figueiras, and he was made prisoner. That event occurred eight months ago, and he had been ever since a close prisoner, though he demanded his liberation as a British subject. He was treated with all the severity and indignity possible, and yet, when he was thus seized, he held no rank whatever in Don Miguel's service. It was said, that papers addressed by Viscount Santarem to individuals in this country were found in his possession, but it did not appear that he was at all aware of the nature of those communications. He had, however, in consequence, now suffered eight months' confinement in a dungeon—eight months' solitary confinement, for a charge without foundation. He believed, that the opinion of the King's Advocate had been demanded as to whether there was a proper ground for demanding the liberation of Sir John Campbell as a British subject, and that the answer had been unfavourable. That opinion might, however, have been founded on *ex-pârte* or garbled statements, and, in fact, he thought the case in favour of Sir John Campbell spoke for itself. He knew Sir John Campbell in 1808 and 1809, and he knew him to be an officer who greatly distinguished himself. A noble Marquess (the Marquess of Anglesey), one of the first cavalry officers in the service, would, he was sure, whatever difference there might be in their political feelings, bear testimony to the merits of Sir John Campbell. He hoped, therefore, that under all the circumstances, some steps would be taken to restore to his country, to his friends, and to the army, an officer who had so much distinguished himself. He, however, was not the only British subject now suffering in Lisbon. He believed, that at the present moment many British subjects might be seen in Lisbon loaded with chains. What was the answer given to those individuals who demanded the pay which they had dearly earned, and to which they were fairly entitled? The answer was—chains. The noble Marquess concluded by moving an Address to his Majesty, praying, "That there should be laid before the House copies or extracts of all correspondence between his Majesty's Secretary of State for Foreign Affairs and the Portuguese Ambassador, relating to the capture and imprisonment in the castle of St. Julian, of Sir John Campbell, a British subject, and late an officer in the British army."

Earl *Grey* said, the object of the noble Earl (so Earl Grey always styles the Marquess of Londonderry, who is Earl Vane in the British peerage) was so clear, that it could not be mistaken for a moment. He had no hesitation in saying, that his intention was, to make a general attack upon the foreign policy pursued by Ministers. The noble Earl had greatly changed the general notice which he had given on a former occasion, which was, that he would ask certain questions relative to our relations with Spain and Portugal, and as to the general state of the Peninsula. He had not, then, referred to any particular treaty, as in the course of his speech the noble Earl had done; neither had he declared, that, in the end, he would confine his call for documents to the case of Sir John Campbell. Indeed, until he found entered on their Lordships' minutes the terms of the Motion for the production of papers, he was ignorant of the noble Earl's intention; and he was even then at a loss, for the Motion did not state what the papers were which the noble Earl intended to call for, and he (Earl Grey) had no time to examine documents for the purpose of selecting such as the noble Earl might wish to have produced. He believed, however, it was usual, when Motions of this kind were about to be made, to communicate beforehand to his Majesty's Ministers the papers which it was intended to call for, in order that they might consider whether it was or was not proper that they should be laid on the Table. Under these circumstances, (though there were many topics in the noble Earl's speech on which he must touch before he sat down), he would, in the first instance say, that he was not prepared to declare, whether the communications which the noble Earl wished to be produced were of such a confidential nature as that they could, with propriety, be laid before the House. He would, however, make the necessary inquiry, and such as could without objection be produced, he would, with his Majesty's approbation, lay before their Lordships. It did appear to him, however, that the direct, and almost the only object of the noble Earl, was to attack his Majesty's Government; for he had arraigned generally the whole foreign policy adopted by Ministers; he accused them of having abandoned a system of which the noble Earl and his friends approved, and he charged them with having cultivated a close alliance with France, at the expense of the best interest and the natural feelings of this country. The charge was so wide, so vague, it had so little specific in it, that he could only answer by saying, that Ministers had not abandoned any system of policy which it was beneficial to the interests of this country for them to follow. They had certainly felt it necessary to enter into a close connexion with France, but certainly not at the expense of the interests of this country; for they were satisfied, that an honourable connexion with France was the best means of preserving the general peace, and, consequently, of promoting the prosperity and security of this country, and of Europe. But the noble Earl had said, that Ministers had been overreached or overmatched by an individual whom he had been pleased to denominate a wily politician. It was not his duty to enter into a discussion of the conduct of the individual alluded to; but he must say, that he did not think it good taste, he did not think it necessary, he did not think it useful, to introduce into the discussions of that House observations on the history or on the peculiar characters of the ministers of other countries. He must, however, state, with respect to the individual to whom the noble Earl had thus particularly alluded, that in all the dealings which his Majesty's Ministers had had with him they were perfectly satisfied with his candour, with his perfect fairness, with the purity of his intentions; such was their impression with reference to all the negotiations with which that individual had been connected. As to his knowledge and ability, they had been amply proved through a long political life. It was not for him, however, to speak of the many transactions in which that individual had taken part. He had only to speak of him as he knew of him, and he could truly say, that he found him precisely as he had already described him,—a person acting, as he had before stated, with the greatest candour, and he thought, with views and feelings most conducive to the interests of the Government which he represented, and, at the same time, most anxious for the general interests of Europe, by preserving a general peace. With these views, he thought it was the duty of Ministers to maintain and to support that connexion, the propriety of which the noble Earl had arraigned. Further than that he would not go. He would not enter into the consideration of the general state of Europe—he would not advert to the situation of Turkey, of Belgium, of the Peninsula; but if the noble Earl would bring forward those charges which he thought himself entitled to make against his Majesty's Ministers—if the noble Earl would introduce those charges on specific and tangible grounds—he should be ready to answer the noble Earl in detail, and to defend that course of policy which even the noble Earl admitted, had, at least, been successful in maintaining peace. The noble Earl had adverted to a treaty which had been published recently, though not officially. It was a matter of notoriety that such was the fact; but to enter into a discussion on that treaty now would surely be improper. When the arrangements connected with that treaty were concluded —when it was formally laid before the House — then, whatever objections the noble Earl might think fit to make to it, he should be ready to meet and answer them as well as he could. The noble Earl had alluded to the present state of the Peninsula, and to the consequences which had ensued from the acknowledgment of Donna Maria; but the noble Earl ought to recollect that Donna Maria had been acknowledged by his Majesty's Government long before the present Ministers came into power. His Majesty's Government had, in like manner, acknowledged the Government of Spain—the acting Government of Spain—by whom Donna Isabella had been acknowledged. But the noble Earl argued, that in taking this course Ministers had done much to promote civil war. Now, he would ask, what would have been the case if this Government had not acknowledged Donna Isabella? Did the noble Earl believe, that Don Carlos would thereby have been discouraged from attempting to acquire the Crown? Did the noble Earl suppose, that whatever pretensions the other party entertained, they would have been induced to give them up in consequence of this non-recognition? Such an impression, if it existed, was, in his opinion, an erroneous one. It did appear to him, that one of the best steps—nay, the very best step that could be taken, under the circumstances, was precisely that which Ministers had taken, in advising his Majesty immediately to recognize the right of succession in the person of Donna Isabella —the right of succession established according to the old law of the Spanish monarchy. He had thus stated his opinion, looking to the general points to which the noble Earl had adverted, but waiting, nevertheless, for that opportunity, if the noble Earl should be pleased to avail himself of it when the treaty should be laid before the House (as it would be in a short time), when he should be enabled to meet in detail any objections which the noble Earl might advance against it. He now, therefore, came to the case of Sir John Campbell, on which the noble Earl had laid so much stress. The noble Earl had observed, that he brought forward the other topics to which he had adverted, as a necessary introduction to Sir John Campbell's case. Why such remarks should be made as a necessary introduction to that case he certainly could not understand. On that case, however, he was prepared to give such an answer as he hoped would prove satisfactory even to the noble Earl himself. Before he went further, he wished to make an observation on what the noble Earl had said with respect to communications formerly received from Sir John Campbell, which had given offence to the Government. The noble Earl seemed to harbour a suspicion, that, in consequence of these communications, the Government of this country had, in some degree, become unfriendly to Sir John Campbell. Now, he hoped in any intercourse which he might have had, public or private, with the noble Earl, that he had not seen in his conduct anything that could induce the noble Earl to believe, that he would abstain from doing, to any and every British subject, that which he was bound to do on grounds of public justice, because there happened to be a difference on account of political feeling. Well, what was the statement of the case? Sir John Campbell had been in the Portuguese service, and it appeared, as the noble Earl stated, had been actively employed against Don Pedro. He had filled very prominent situations on several occasions. Every one believed him to be an active agent of Don Miguel up to the time when he was taken, as no information had ever transpired, that he had quitted Don Miguel's service. He was taken endeavouring to break through the blockade of Figueiras, and on him were found despatches from Viscount Santarem, Don Miguel's Minister for Foreign Affairs. He was in consequence seized and kept a prisoner. A statement of the case was made to Lord William Russell; Sir John Campbell's liberation having been claimed on the ground that he was a British subject. Lord William Russell applied in consequence for instructions from his Majesty's Government. On the 20th of September Lord William Russell's despatch was received, and on the 25th of September an answer was returned, directing that an inquiry should be instituted into certain charges that had been made against Sir John Campbell, not only as having exerted himself against the Portuguese Government, but as having personally offended the Regent; and every step was taken to ascertain whether this Government had, according to the law of nations, a right to claim Sir John Campbell as a British subject. The noble Earl might recollect that he (Earl Grey) had been asked what was his opinion as to the situation of British officers who might choose to serve under Don Miguel, and he had answered, that they subjected themselves to all the contingences of that service, and that they had no claim on the British Government; adding, at the same time, that the Government would, of course, endeavour to mitigate the sufferings of such persons. When the necessary inquiries had been made (and that was done as soon as it could be effected with propriety), the whole case was submitted to the King's Advocate for his opinion on the 23rd of October, and on the 25th of October the answer to that reference was received. The noble Earl had insinuated, that an unfair or garbled case had perhaps been laid before the King's Advocate. The contrary was the case. All the facts of every description were laid before him, and on those facts his opinion was founded. The noble Earl here read the opinion of the King's Advocate, which, after adverting to the fact, that Sir John Campbell had been a strenuous partisan of Don Miguel,—to his having quitted that service and proceeded to England,—and to his ultimate capture,—set forth, "That the Portuguese authorities discovered that he was the bearer of despatches from Viscount Santarem, the Minister of Don Miguel, and were, therefore, perfectly justifiable, considering him still to be in the service of the enemy, in making him, as such, a prisoner of war. Under these circumstances, he was of opinion, that Sir John Campbell was not entitled to claim the protection of his Majesty's Government." That was the opinion of the King's Advocate; and, after that opinion, it was impossible for his Majesty's Government to demand the release of Sir John Campbell on the ground of his being a British subject. That did not, however, prevent representations from being made by the British Government, desiring the release of Sir John Campbell. On the 12th of December, an application on this subject was made by Lord William Russell to the Portuguese Government, the answer to which was,—" Sir J. Campbell is known to us as one of our most active enemies. It never was known to us, that he had abandoned the service of Don Miguel. He fell into our hands when leaving a blockaded port, charged with despatches from Viscount Santarem. It would consequently be unjust to others for us, under these circumstances, to give him up; because, if the fortune of war should place any of our officers in the hands of the enemy, we should be able to exchange him for some of them." Application was next made to let him go abroad on his parole, but was refused by the Portuguese Government. This was the very last communication which had been made upon the subject; and he (Earl Grey) fearlessly appealed to their Lordships' judgment, whether or not it were possible for the Government to claim, as a matter of right, the release of Sir John Campbell, or indeed whether the Government could have done more than had been done in the affair. He had even authority to state, that Sir John Campbell had conveyed, by his brother-in-law, to Lord William Russell, not only his thanks for what had been effected in his behalf, but had also expressed his conviction, that nothing more could be done. He thought he had now shown, that there existed no ground for stating, that his Majesty's Government had neglected the just claims of British subjects in Portugal, or that in any degree those claims had passed unnoticed. The noble Earl had also made a general charge of extreme cruelty on the part of Don Pedro towards the subjects of this realm in his service, many of whom were to be seen in chains. He (Earl Grey) had heard a rumour, that such an allegation would be made, and in consequence he had made inquiries from Lord William Russell, who was at present in this country, upon the subject. Before this, however, the Government had never heard anything of the kind stated by the noble Earl; and, certainly, the result of his inquiry did not bear out the noble Earl's statement. At the same time, he must observe, that when British subjects entered into the service of Don Pedro, or that of any other foreign power, they became liable to punishment for military offences of which they might be guilty; and that, certainly, would not be a case in which the Government of their native country could, or ought, to interfere. But Lord William Russell had stated, in answer to the inquiries made from him on this subject, that he had been every day in the streets of Lisbon, and never saw a British subject in chains. Colonel Hare had stated, also, that he had only once seen a man in chains, for some very heavy and serious offence; but, with that single exception, though he had every opportunity of observation, he had never seen or heard of anything of the description stated by the noble Earl. Allusion had also been made to the circumstance of many men from the regiment commanded by Colonel Shaw (an officer well known to many of their Lordships, but who, though distinguished for his services in the Peninsula, might be personally unknown to the noble Duke opposite—(the Duke of Wellington) being confined in prison. On a complaint of this character having been made to Lord William Russell, his Lordship wrote to Colonel Shaw to be informed under what circumstances the men so incarcerated were confined. Colonel Shaw returned an answer, enclosing a list of the names and descriptions of the men in confinement, and the grounds and causes which had led to their imprisonment. With a few of these details he should trouble their Lordships, as they furnished in themselves a complete answer to this ground of complaint against his Majesty's Government. As a specimen of the whole, he would call their attention to the following entries:—" William Erskine, committed the 28th of December, for mutinous and riotous conduct in the night. Another individual committed for housebreaking; another for being drunk on duty after having been once expelled the regiment, but in mercy taken back; and lastly George * * *, described in the return as a coward, a thief, the writer of letters which were the cause of all these mischiefs, formerly clerk to Mr. Hume, M. P., whom he robbed and then left. Were these cases, he must again ask, in which the Government ought to be called upon to interfere? With respect to the Motion of the noble Earl, he had no objection to the production of such documents as would not interfere with the public service. With these observations, he threw himself upon the consideration of their Lordships, reserving to himself, as he had already stated, the right to enter into the more general discussion of the subject partially introduced on a more convenient occasion.

The Duke of *Wellington* said, that he would trouble their Lordships with a very few observations on the Motion of his noble friend. He believed, that there was not a more respectable and excellent Gentleman than the gallant officer to whom so much allusion had that night been made; he meant Sir John Campbell. It appeared from what the noble Earl opposite stated, that the Government had taken very considerable pains in order that justice should be done to that distinguished officer. He confessed, that he had always, in considering the case of Sir John Campbell, regarded it with a considerable degree of jealousy. Sir John Campbell had been serving Don Miguel without the permission of his Majesty; he had, therefore, been guilty of a breach of the law, namely, the Foreign Enlistment Act. He repeated, that gallant officer had been guilty of an infraction of the enactments of the Foreign Enlistment Act; and he had forfeited the protection of his Majesty when in the service of a foreign country. It was on this account, that he had always considered the case of General Campbell with a considerable degree of jealousy. He did not think that an officer should continue in a foreign service without the permission of his Majesty, though he admitted, that Sir John Campbell had formerly been in the Portuguese service with the permission of his Majesty. That officer had, at one time, given up his commission, but had afterwards returned to the Portuguese service without permission, and therefore came within the Foreign Enlistment Act. He was, at the same time, extremely anxious to get this gallant officer released from the wretched state of confinement in which he was placed, though, undoubtedly, for the attainment of that object, great exertions had already been made under the direction of his Majesty's Government. He thought, from the information which had reached him, that it was a great hardship to seize this gallant officer on board a British vessel. The noble Earl said, in answer, that he was seized endeavouring to break out of a blockaded port. If, however, Sir John Campbell had not had despatches with him the Portuguese authorities would have had no right to seize him. The noble Earl stated, and he believed correctly stated, that Sir John Campbell had on his person, when seized, despatches from the Secretary of State of Don Miguel; and, therefore, it might be inferred that the gallant officer was in the service of the Government by whom they were sent. If the despatches had not been found upon Sir John Campbell, he had no doubt, from what had been stated by Lord William Russell, that Sir John Campbell would have been released. He was willing to admit the legality of the detention of Sir John Campbell; but the conduct of his Majesty's Government towards a subject so detained was worthy of consideration. The King's subjects in Portugal had peculiar rights and privileges which they claimed by solemn treaties, and which they could avail themselves of if not taken in the actual commission of hostility against Portugal. Now, it appeared to him, that the gallant officer in question was entitled to claim the privileges which belonged to British subjects in Portugal, as he was not taken in the actual commission of hostilities; and he was no longer a general in the service of the hostile party. The British Government, therefore, had a right to demand that his case should be referred to the cognizance of the officer called the "Juiz Conservador," who had jurisdiction in cases in which British subjects were concerned. He believed, that there was not a case in which this privilege conferred upon his Majesty's subjects by treaty had been withheld when claimed. Notwithstanding the existence of such rights, they had not been claimed in the case of Sir John Campbell, although a degree of protection had been afforded him by the noble Earl. It appeared that, in consequence of the interference of the British Minister, Sir John Campbell, instead of being confined in the prison of St. George, had been removed to the Castle of Belem. The truth was, however, that he ought to be handed over to the custody of the Magistrate to whom he (the Duke of Wellington) had just alluded, and then to be proceeded against by the proper officer. This was the course pointed out in solemn treaties entered into between his Majesty and the Portuguese Government. He was perfectly ready to admit, that persons entering into the military service of Don Pedro or any other Power, must be under the military regulations of the country to which they went. But he wished to observe, that prisoners of war taken in these unfortunate contests had a right, as King's subjects, as well in other countries as in Portugal, to the protection of the King's Government to this extent,—namely, to seeing that the laws of the country, to which they had rendered themselves amenable, were properly and fairly administered in their cases. He did not believe, that Sir John Campbell had a right to claim all the particular privileges which belonged to British subjects in Portugal not actually engaged in hostility to the Government, but he had a right to claim that his case should be brought before the proper Magistrate, and also that he should not be punished contrary to the laws of the country. The British Government should take care that Sir J. Campbell did not receive more punishment than any other person who might be taken under similar circumstances. It was his opinion, that the gallant officer had received a far greater share of punishment than would have been awarded to another person. There appeared to be something vindictive in the mode of proceeding against him, and insulting in the mode of talking of him. He was anxious to avoid entering upon the other topics to which his noble friend (Lord Londonderry) had adverted. He thought that it would have been more convenient if his noble friend had confined himself to the specific question instead of going into so many other matters. In conclusion, after what had passed, he would only observe, that he was of opinion that it would be more conducive to the interest of Sir J. Campbell, as a British officer, to leave the question to his Majesty's Government.

Earl *Grey* did not concur with the noble Duke in thinking, that Sir John Campbell had a right to claim the privilege of having his case taken before the Juiz Conservador. The only cases that could be taken before that Judge were Civil Suits. In the present case, there was a right of detention different from those which existed under the municipal law administered by the Magistrate in question. It appeared to him, that Sir John Campbell had placed himself in a situation to render it impossible to claim for him the privileges enjoyed by the King's subjects in Portugal, not engaged in hostilities against the Government.

Lord *Wynford* was anxious to call the attention of the noble Earl (Earl Grey) to certain facts which, perhaps, had not been alluded to by the Government in the statement of Sir John Campbell's case as submitted to the consideration of the King's Advocate. He entertained the highest opinion of the abilities of that learned Gentleman, and was satisfied, that he would not give an erroneous opinion if a proper statement of the case were submitted to his judgment. His noble friend (the Duke of Wellington) had fallen into an error, when he supposed that Sir John Campbell had been guilty of an infringement of the enactments of the Foreign Enlistment Act. In the first place, however, he must express his surprise, that the learned King's Advocate had said that, under all the circumstances of the case, Sir John Campbell was not entitled to claim the protection of the British Government. This opinion would depend, to a great extent, on the manner in which the case had been submitted to him. Many of the facts might have been omitted.

Earl *Grey* had only to observe, that all the facts in the possession of the Government had been stated to the King's Advocate.

Lord *Wynford* did not believe, that the noble Earl was capable of wilfully concealing facts; but still all the circumstances might not have been stated to the learned Gentleman. He would not, however, dwell on that subject. Sir John Campbell went to Portugal some years ago, and became an officer in the service of Don John 6th. After the death of that Monarch, he ceased to hold a Commission, and never was after that time in the Portuguese service. He was willing to admit, that Sir John Campbell might have been an active partisan on the side of Don Miguel; but he never was enlisted as a soldier in the army of that Prince. Undoubtedly he bore arms in the contest that had been for some time carried on in Portugal, but he had not been a regular soldier. During the period that Sir John Campbell had been so engaged, he (Lord Wynford) knew some thousands of British subjects were engaged on one side or the other. The conduct of Sir John Campbell had been very different from the rest of the persons who took the same side in the Portuguese question as himself; for the moment he heard that a British Minister had been sent out to acknowledge Donna Maria as Queen of Portugal, he left the army of Don Miguel. This was the statement made by Sir John Campbell himself, as the noble Earl knew; and he was sure that no one could contradict it. The moment the Queen of Portugal was acknowledged, he determined to return to England, and he took the shortest course that he could for that purpose. He placed himself under the protection of the only British officer that there was at the time at Figueiras, namely, the Vice-Consul. From this officer, Sir John Campbell received a passport, and he went on board a British ship for the purpose of being conveyed to this country. At the time this vessel sailed, there was no blockade, and immediately the vessel got out of port they were on the high seas, and under the protection of the British flag. When some miles from shore, the English ship was stopped by one of Don Pedro's cruisers. Now, he wished particularly to know whether this point had been referred to the attention of the King's Advocate? The British flag was flying in this ship at the time, and she was just as much under the protection of the British Government on the coast of Portugal, as she could have been on the coast of Cornwall. The ship, as he said before, was ordered to stop, was boarded, and Sir John Campbell was taken out of her. The ship was not seized, but permitted to proceed, which was a proof that the Portuguese officer did not think, that he was justified in seizing her. If the facts he had just stated were true, the Portuguese Government had committed, not only an act of injustice against Sir John Campbell, but also an outrage against the British flag. The Court of King's Bench had decided, that immediately a slave came on board a British ship, his chains fell off him, his manacles burst asunder, and he became a freeman. Did not the same principle exist in the case of Sir John Campbell? That gallant officer was entitled to all the privileges of a free British subject when on board a British ship in the open seas. It might have been improper to carry despatches; but if Sir John Campbell had been guilty of an illegal act, he ought to be brought to trial for it, instead of being incarcerated in a Portuguese prison. On the same principle that the imprisonment of this gallant officer was justified, any person having a piece of paper in his pocket might have it taken from him, and he might be sent to prison. Sir John Campbell stated, that he was altogether ignorant of the nature of the dispatches that he had in his possession, and he (Lord Wynford) believed that to be the case. He denied the legality of the proceeding, and complained, that Sir John Campbell had not been treated in a proper manner for an officer of high rank in the British army. The circumstances that he had stated were perfectly true, and, for the honour of the British nation, it was necessary that some steps should be taken in the matter.

Earl *Grey* observed, that Sir John Campbell must have been perfectly aware, that he was coming out of a blockaded port bearing despatches from Don Miguel's Secretary of State.

Lord *Wynford:* What I stated was, that the ship was not permitted to sail into port, but was permitted to return home.

Earl *Grey* said, that it appeared, according to the general rules observed in blockades, that ships were not allowed to pass without permission, no matter whether they were coming in or going out of the port blockaded.

Lord *Wynford* contended, that in the present instance, the blockade was limited, and that vessels were permitted to go out.

Earl *Grey*: Though the vessel was an English one, still, according to the law of nations, she was violating the blockade.

The *Lord Chancellor* said, that he understood that all the facts of the case had been placed before the King's Advocate-General, that he was of opinion that the blockade was valid, and that in the present instance, it had been violated. For his part, he could not deny, for aught he knew, that the blockade was limited. But though he had heard of many cases of blockade, this was the first one in which he had heard it contended, that a blockade might so exist as to allow vessels to enter a harbour, and, at the same time, prevent their exit. As he had already stated, however, the facts were before the King's Advocate, and that learned Gentleman was decidedly of opinion, that the vessel in question had broken the blockade. It did not matter one rush, whether the vessel was near the coast or not. She might be upon the high seas, even within three miles of Falmouth, yet were she met by a Portuguese vessel, she would be liable to capture. The Advocate-General entertained not the slightest doubt upon this point, nor did he.

Viscount *Beresford* could bear his testimony to the military character of Sir John Campbell, whom he knew to be one of the best officers in the King's service. The gallant officer had proved himself on several occasions, when serving in the army in Portugal, then under his (Viscount Beresford's) command. He was, therefore, deeply concerned in every thing that related to that gallant officer, and he considered that all the facts concerning him were not known. It would be a great satisfaction to him to see, that the British Government behaved kindly towards that brave and meritorious officer. All that could be alleged by the Portuguese Government was, that he was a prisoner of war. Still he was a British subject, even though he had served in a foreign army, which was not proved; but, even admitting that he had, he was a British subject, and had a right to be protected by the British Government. It was the duty of the British Government to see that the punishment imposed on him was not greater than that usually inflicted under similar circumstances; and it was important to all officers, that this Government should discharge that duty. According to the present state of society, there were certain rules of war established, and a prisoner of war should be treated in conformity with them. Sir John Campbell, after he was taken prisoner of war, offered to give his parole, promising that he would instantly return to his own country. He believed there was no case on record of a refusal being given to an officer under such circumstances; and, besides, the Representative of the British Government at Lisbon offered himself as a guarantee for Sir John Campbell. He thought it incumbent on his Majesty's Government to say to that of Portugal, "You keep Sir John Campbell as a prisoner of war; be it so; keep him in your custody according to the rules of modern warfare, but shut him not up in a prison in Lisbon." God forbid, that in the practices of war, such an example as this should be followed—that an officer should be retained in prison under no sort of just pretence whatever. In fact, it clearly appeared, that the matter was a mere affair of personal vengeance. He understood from persons who knew something of the affair, that the English Vice-Consul at Figueiras, assured Sir John Campbell, that he might depart in perfect safety in the ship in question, and that the English flag would protect him from the cruisers outside the port. The Vice-Consul assured him, that the vessel was a British one, and that, under her flag, he should receive British protection.

The Duke of *Richmond* said, that it was but fair to the Vice-Consul to state, that when he had made that statement, he was ignorant that Sir John Campbell was the bearer of despatches. Those despatches proved, that he was still in the service of Don Miguel, and, in consequence, his detention was ordered. He must also remark, that a great deal of difference was, in most cases, made in the treatment of prisoners of war, varying according to their rank, station, and more especially their importance; and it might happen that Sir John Campbell was a most active gentleman, possessed of considerable influence, and therefore it might have been thought necessary to keep him in that state of seclusion and strict confinement, which, for another person, might not have been thought advisable. He did not, however, stand up on this occasion to justify the conduct of the Portuguese Government; on the contrary, he regretted the severity which had been used towards Sir John Campbell; but it was his consolation to know, that every exertion possible had been made by the Government of this country to mitigate the severity of his confinement.

The Marquess of *Londonderry* replied. He read a letter from Sir J. Campbell stating that the papers alluded to were not official despatches, but communications of a private nature, of which he was bearer to Viscount Santarem. The only thing satisfactory that resulted from the present debate was, that it was shown that the Portuguese government meant at some future day to take the matter into consideration. He would limit the Address to the papers which the noble Earl stated he would give him, reserving to himself the right upon a future occasion to move for the remainder of the papers, if those granted by the noble Earl should not answer his purpose.

The Motion, as amended, was agreed to.

LIVERPOOL WITNESSES' INDEMNITY BILL.] The Earl of Radnor moved the second reading of this Bill.

The Earl of *Wicklow* would not oppose the second reading of this Bill, but he must express his surprise that it did not meet with opposition on the other side of the House, especially from the noble Earl (Earl Grey) and from the noble Baron (Lord Holland); On the last occasion that a similar Bill was before their Lordships, in the East Retford case, the noble Earl and the noble Baron opposed it, and it was only that day that he had read a long protest which the noble Baron on that occasion had entered on their Lordships' journals.

The Marquess of *Clanricarde* said, that the Bill to which the noble Earl had referred, and against which his noble friend had entered a most constitutional protest, was quite different from the Bill now under consideration, and had been brought forward under totally different circumstances.

If the noble Earl had attended to what had taken place in regard to the Warwick Borough Bill, the decision of the House with regard to which had been the cause of the introduction of such a Bill as this, to indemnify the witnesses that were to be examined in support of the Liverpool Freemen Disfranchisement Bill, he would have seen, that it was not the original intention of the noble Lord who brought forward that Bill to adopt the course which the House had determined on. That noble Lord had proposed to pass the Warwick Bill, on the evidence that had been taken by the House of Commons; but as he perceived, that the majority of their Lordships were for taking evidence at their own bar, he saw that it would be only a waste of time to oppose such a course.

The Earl of *Radnor* observed, that the noble Earl was rather hard upon his two noble friends, when he called on them to oppose a measure which he did not oppose himself.

Lord *Holland* did not know what right the noble Earl had to call upon him to make a speech on any particular measure brought before their Lordships. He had not given any opinion in favour of this Bill; the fact was, that his opinion was against it; but then it was a Bill which the course determined upon by their Lordships would appear to have rendered necessary. His objection to a Bill of this description lay so deep, that, if adopted by the House, their lordships would go further than they had hitherto done on matters of this kind. The noble Earl would find in the Protest to which he had referred, the grounds on which he objected to a measure of this nature.

The Bill was read a second time.

HOUSE OF COMMONS,

Tuesday, May 6, 1834.

Minutes.] Bill. Read a first time:—Bankrupts (Scotland); Sale of Beer Act Amendment.—Read a second time:—County Rates.

Petitions presented. By Mr. Langford, from the Catholic Priests of the Midland District, for an Alteration of the Marriage Act.—By Messrs. Wallace, Lalor, Ronayne, Barron, Grattan, Blake, and Chapman, from a Number of Places, against Tithes.—By Mr. Hodges, from Rochester and Kemptown, for the Repeal of the Malt-tax.—By Mr. Heathcote, from several Places, for the Better Observance of the Sabbath; from two Places, against the General Register Bill.—By Sir Richard Vyvyan, from several Places, against the Separation between Church and State; and from Bristol and East Kent, against the Universities Admission Bill.—By Mr. Gillon, Colonel Williams, and Mr. Harvey, from a Number of Places;—in favour of the Separation between Church and State.—By Sir Edward Knatchbull, Sir Richard Vyvyan, Colonel Williams, and Messrs. Holdsworth, Wilks, Mark Philips, Gillon, Lloyd, Harvey, Benett, Shawe, Pease, Stewart, Gisborne, Hurst, and Langdale, from a great Number of Places, and Dissenting Congregations,—for Relief to the Dissenters.

Relief to the Dissenters.] On the question, that several petitions which had been presented for relief to the Dissenters do lie on the Table,

Mr. *Gisborne* rose to make a few observations upon the petitions he had presented to the House from the Dissenters of various parts of the country. He supported the petitions so far as they prayed for the redress of all practical grievances; but as a separation between Church and State could not be effected without lacerating the religious feelings of an immense portion of the community, he was opposed to the prayer of all petitions that desired a severance of Church and State. His own opinion certainly was hostile to the union between Church and State, but he felt himself bound to pay some attention to the long established custom of the country, and to the feelings which that had engendered. Several of the petitioners were impressed with feelings of deep and sincere gratitude towards the two noble Lords he now saw in their places (Lord Althorp and John Russell) for the warm attachment they had on many former occasions evinced towards the Dissenters; and while they regretted, that very trifling measures of relief had been introduced by his Majesty's Government, they expressed a hope that those noble Lords would see the justice of further concession to the well-founded claims of the Dissenters.

Mr. *Poulett Thomson* wished to say a few words upon the petition which was yesterday presented from the inhabitants of Manchester. With regard to its respectability no question could be entertained; at the same time it must not be supposed that the sentiments contained in it expressed the opinion of the vast number of Dissenters whose signatures it bore. To that portion of the prayer for the redress of practical grievances, not a single objection had been made: but with regard to that part which prayed for the separation of the Church and State, a very considerable difference of opinion existed among those who had affixed their names to it. He was prepared to support the petition so far as it prayed to be relieved from the payment of Church-rates, for a registration of births, marriages, and deaths, and for the celebration of the rites of marriage in their own chapels, provided it were secured in such a way as to prevent the possibility of fraud. To these three articles in the prayer he gave his cordial concurrence, but he thought it right to state in that House, as he had stated to his constituents at Manchester, his total dissent from the prayer for a separation between the Church and the State. He considered it only another term for the complete annihilation of the Church Establishment. He did not think in the present constituted state of the country such a measure would be right or proper He regretted, that the measures of relief introduced by the Government had not met the concurrence of the Dissenters, particularly as his Majesty's Ministers were actuated by a sincere desire to relieve them from all practical grievances. He could not, however, agree with those Dissenters who regarded the measure introduced by his noble friend on the subject of Church-rates as a deviation of principle. He could not understand how those persons, who sought for a separation between Church and State, could deem it such, because whether the Church-rates were paid out of the Consolidated Fund or by means of a Land-tax, still the principle existed. As a measure of relief he must give his support to the bill of his noble friend. Having expressed his opinion on the sentiments contained in the petition, and how far he agreed to and dissented from them, he had only to recommend it, in consideration of the importance of its character, and the number of the signatures affixed to it, to the serious attention of the House.

Mr. *Gillon* said, that the petitions he had that morning presented from that part of the empire to which he had the honour to belong, were signed by no fewer than 50,000 persons, of the greatest respectability and character. Those petitions had come from Glasgow, and he hoped they would receive from that House the attention to which they were entitled. He trusted, that these petitions, emanating from so large and so respectable a body of his countrymen, would meet with the fair and dispassionate consideration of the House. He trusted, that hon. Members would keep their minds open to reason and argument, however strongly biassed they might be on the subject of Church Establishments; at the same time that he felt assured there was no subject on which the opinions of Members of that House, and the public out of doors, so widely differed. In formerly presenting petitions of a similar nature, when he had ventured to impress on the House the strong feeling which existed in Scotland on this subject, he had been met, not by argument, but by jeers; not by proof that he was in the wrong, but by the unsupported assertions of Members opposite. Nothing was so easy as to make such assertions; but as to proving them, he must hold it to be out of the power of hon. Members to do so; at least it had not yet been attempted. The hon. member for Glasgow had presented, with some degree of triumph, a petition from that enlightened city, against patronage, signed by 32,000 individuals, and those names had been obtained by extraordinary exertion in a period of ten or twelve weeks, during which the petition had laid for signature; and in that number were many who were also favourable to the voluntary Church principle. There was nothing inconsistent in thus signing both petitions. The petition from Glasgow, which he had now the honour to present, was signed by 49,600 individuals, and their names had been appended during nine days that it lay for signature; and every precaution had been taken by the gentleman who had the charge of the petition, to prevent names from being improperly or surreptitiously adhibited to it. The petition on the same subject, which he had last year presented, was signed by 16,000 individuals, the present one by nearly 50,000. He begged to ask, did not this prove both a strong and a growing feeling on this subject. A petition from Edinburgh had been this year presented in favour of voluntary Churches, signed by 13,000 persons, while a declaration in favour of the Established Church, which had been hawked about from door to door, by a sort of home mission, who had eagerly canvassed for signatures, had obtained only 4,243. These facts did not quite agree with the statements of the hon. member for Caithness on that occasion, of the devoted attachment of the Scotch nation to their Established Church. On the presentation of the petition from Edinburgh, in favour of voluntary Churches, the hon. member for Caithness was reported to have said—" The opinions of the petitioners were repudiated by a great majority of the people of Scotland, whether piety, numbers, wealth, influence, or attachment to our national institutions, be adopted as the standard of comparison. Of all our national institutions, none was so dear to the people of Scotland as their Church! If religion were left to the unaided efforts of the community, without any public provision for its ministers, a great part of Scotland would be converted into a moral wilderness." That his countrymen were sincerely and devotedly attached to the cause of religion, and to their own pure and simple forms of worship, he was ready and proud to admit; but that they were generally attached to an establishment connected with the State he was ready as distinctly to deny. It was very far from his motives to make professions and high-sounding declarations as to the vast majority who were favourable to the existence of an Established Church, but he (Mr. Gillon) was able to corroborate his statements by facts and figures, which they were unable to do. But let the House see how the assertions could be supported. He would read to them some Returns. In Edinburgh and Leith, as he had once before stated in 1830, the Church accommodation stood thus:—

Sittings in Established Churches.	Sittings in Dissenting Churches.
27,000	39,000

RETURN OF DEC. 14, 1833, OF CHURCHES IN THE ROYALTY OF EDINBURGH.

Seats.	Let.	Free.	Unlet and unoccupied.	Annual deficiency.
15,133	9,218	1,100	4,815	12,300*l.*

High seats let; low ones deserted. From 20*l.* to 42*l.*; let 2,683; unlet 332; from 1*s.* 6*d.* to 6*s.*, let 903; unlet 2,129.

GLASGOW.	Sittings.
Twelve Parish Churches .	15,432
Twelve Chapels of Ease .	14,353
	29,785
Fifty Dissenting Churches .	45,151

Years.	Population.	Sittings in Chapels of Ease.	Sittings in Dissenting Churches.
1780	42,832	....	8,101
1821	147,043	....	32,397
1831	202,426	14,000	42,472

ABERDEEN.	Sittings.
Six Parish Churches .	7,620
Five Chapels of Ease .	5,420
	13,040
Twenty-two Dissenting Churches	13,714

LANCASHIRE, 1830.

Churches and Chapels of Ease	281
Dissenting Places of Worship	590
Hearers, Dissenting Churches	255,411

NEWCASTLE, MORPETH, SUNDERLAND, AND BISHOP WEARMOUTH.

Sittings in Churches.	Hearers.
14,000	8,300
Sittings in Dissenting Places of Worship.	Hearers.
29,633	21,035

Difference in numbers of communicants much more striking.

ALL ENGLAND.

In some places six to one—altogether three to two.

IRELAND.

Churchmen . .	500,000
Dissenters . .	7,500,000

All the three Countries.

Dissenters . .	15,000,000

Since that period the relative difference had increased. But it was not to be supposed that those who built and supported their own churches, and maintained their own clergymen, besides providing for the churches and clergy of a favoured sect, would incur any great unnecessary expense; it was, therefore, fairly to be concluded that the Dissenting places of worship would be well filled, and the fact was, that they were so. This was proved by a Return which showed the comparative state of nine churches in the old town of Edinburgh, and of nine churches of the Associate Synod:—

"Nine places of worship of the Associate Synod:—Seats let, 8,472; sum drawn, 4,030*l.*; collection at doors in 1833, 2,410*l.*; gross stipend, 2,960*l.*; average ditto, 296*l.*; average price of sittings, 9*s.* 6*d.*; price paid for religious instruction per man, 7*s.*

"Nine churches of the Old Town:—Seats let, 4,424; sum drawn, 2,543*l.*; collection at doors in 1833, 862*l.*; gross stipend, 7,670*l.*; average ditto, 590*l.*; average price of sittings, 8*s.* 3*d.*; price paid for religious instruction per man, 1*l.* 7*s.* 6*d.*" But what was the case as to the Established Churches in Edinburgh, after all the pious lamentations made by the adherents of the Established Church, that the people were lapsing into infidelity, owing to the want of sufficient church accommodation? We find by another Return laid before the Town Council on the 16th of December last, that there were in the Royalty of Edinburgh, in the Churches of the Establishment, 15,133 seats, of which there were let 9,218, free 1,100; unlet and unoccupied, 4,815; that the Established Church cost the city the sum of 12,300*l.* per annum more than the product of the nett rents, and that the seats which let the highest were comparatively well occupied, being filled by the rich, while those of low price, which were open to the means of the poor, were nearly deserted; and yet, after all this, there was an outcry to build more churches, not, as he believed, for the sake of instructing the people, but of providing stipends for more Ministers of the privileged sect.

In Glasgow the sittings were—

In Twelve Parish Churches .	15,432
In Twelve Chapels of Ease .	14,353
In all . . :	29,785
In Fifty Dissenting Churches .	45,151

But it was worthy of remark, that in those chapels of ease, though the hearers conformed to the doctrines and forms of the Established Church, they all partook of the voluntary principle. The force of this principle was admirably illustrated by a Return which could be thoroughly depended on. In Glasgow the church accommodation and population had been as follows:

Years.	Population.	Sittings in Chapels of Ease.	Sittings in Dissenting Churches.
1780	43,832	......	8,101
1821	147,043	......	32,397
1831	202,426	about 14,000	42,497

Thus showing at once the rapid increase of Dissenters in that city, and the facility with which the voluntary principle (for both chapels of ease and dissenting places of worship were supported by voluntary contribution) adapted itself to the increasing spiritual wants of the population.

In Aberdeen, which was reckoned the peculiar stronghold of the church, the sittings were—

In Six Parish Churches .	7,620
In Five Chapels of Ease .	5,420
Total . .	13,040
In Twenty-two Dissenting Churches	13,734

Such were the proportions of Churchmen and Dissenters in the places to which he had referred, and in all the best educated parts of Scotland Dissenters would be found to predominate. It was only by taking in the Highlands, and comparatively uneducated districts, that the Churchmen could be brought to an equality in point of numbers. If they glanced for a moment at England, they would find by a Return laid on the Table of this House, in 1830, that in Lancashire there were in all 281 churches and chapels connected with the Establishment, while there were 590 Dissenting places of worship attended by 255,411 hearers. In Newcastle, Sunderland, Morpeth, and Bishop Wearmouth, the relative numbers were as follows:—Sittings in Established Churches 14,000, hearers 8,300; sittings in Dissenting Churches 29,633, hearers 21,035; while the relative difference in numbers of the communicants was still more striking—while the difference in point of numbers was as much as six to one in some places in favour of Dissenters over the Churchmen in all England, the former would be found to predominate by, at least, three to two. In Ireland the disparity was but too notorious, where a population of 8,000,000 were taxed and fettered, and oppressed for the support of the creed of 500,000. But of the population of the three portions of the empire he was within the truth when he said, that from 17,000,000 to 18,000,000 dissented from the Established Churches of these countries. It was but too plain that Dissenters after all the promises made by the Government were to expect no effectual relief. They were now pretty generally convinced throughout the country that such was the case. In this opinion they must be confirmed by the result of the interview of the deputation who had come from Glasgow with this petition, with the noble Lord at the head of his Majesty's Government, whose opinions on that occasion had given such unqualified satisfaction to one of the ultra Tory party in another place. His Lordship seemed to be equally misinformed as to the number of Dissenters in the country, and as to the nature of the churches which he professed himself so anxious to defend. When informed that the petition from Glasgow had been signed not only by many of the Magistrates of Glasgow, but by many churchmen, he is reported to have said, that those were only members of the Kirk of Scotland. What was meant by this expression he could but guess—that it was necessary to have mitres, and crosiers, and lawn sleeves, to have an episcopal staff of Bishops, and prebends, and rectors—to have pampered dignitaries and starving curates—to have wealth, and pomp, and worldly show, in order to entitle any body of professing Christians to the name of a Church. They rejoiced in Scotland that they had put from them these things, that the Churches there of all denominations were based on the rock of poverty, and appealed not to the senses but to the consciences of men. The Dissenters made no war upon the Church, they aimed rather at her purification and exaltation; and he held himself to be not the less worthy of being a Member of that body, that he would object to the bond which bound him with the state in an unscriptural and unholy union. The proposition of the noble Lord, the Chancellor of the Exchequer, in regard to Church-rates, was an insult to the understandings of Dissenters. As he had before ventured to express, the proposition involved a direct tax on the people of Scotland, however the noble Lord might attempt to cloak or conceal this fact by laying the 250,000*l.* of the public resources which was to be appropriated to the payment of Church-rates on the Land-tax of England and Wales. But, said the noble Lord, sums had been allotted already from the public treasury for the building of churches in Scotland, and increasing the stipends of the clergymen. This was certainly very consolatory to the Dissenters of Scotland, to hear this kind of language:—"We tax you" it was said, for the support of a dominant Church in your own country; we further give certain sums out of the public revenue, to which you contribute your share, in further aid of this privileged sect; and we now call upon you, in consideration of these manifold blessings and kindnesses, to contribute to the support of the Established Church of England." And let it be further recollected that in aid of this Established Church one million had been granted for the building of Churches; that another million had been lent to the established clergy of Ireland, to remunerate them for the deficiency of the tithes, which with all their Bills for composition, for commutation, and coercion—with all their military and armed police—notwithstanding all the innocent blood that had been shed in the various tithe affrays which had taken place, they had not been able to collect. He presumed that no one expected that this loan was to be repaid; and the Government was about to add 5,000,000*l.* to the capital of the national debt, in order to maintain the Episcopal Church of England, the richest as it was, and the most corrupt Church in the world, and which, it would appear, had so little hold on the affections of its votaries, that they could not be induced to contribute 10*d.* per man, for that was the amount it would cost each individual, to preserve its sacred edifices from tumbling to decay. The ignorance that prevailed on Church subjects was very great. Members generally were impressed with the belief, that no Church-rate was paid in Scotland—there could not be a greater mistake. No money was paid under that name, but Churchmen and Dissenters alike, besides paying stipend to the Established clergy, were called on to contribute to the building and repairing of churches, of church-yard walls, and of the manses of the established clergy. He had been informed, not a month ago, by one of his constituents in the town of Falkirk, that, being a Dissenter and an heritor in an adjoining parish to the amount of about 200*l.* per annum, he had lately been assessed 80*l.* for the building of a Church in that parish. Another species of Church-rate pressed heavily on the people of Scotland, and which was nearly entirely overlooked by hon. Members; he meant the sums yearly wasted in litigation concerning assessments, augmentations of stipend, &c. He had returns which showed, that these burthens, in a parish with which he was acquainted, the parish of Denny, had amounted in the last thirty-two years, to the enormous sum of 7,171*l.* 9*s.* 1*d.*, or 224*l.* 2*s.* 2*d.* for each year, besides all the bad blood and unchristian spirit which had thus been generated. These were the fruits of an Established Church. Was it for a moment to be supposed, that this large body, of which he had spoken, would continue to suffer, without complaint, the grievous injustice under which they now laboured, of being taxed for supporting Churches and Establishments from which they conscientiously dissented? This, he maintained, was equally an outrage upon common sense and upon those rights of conscience which every one was free to enjoy. It was part and parcel of that spirit of bigotry and intolerance which formerly caused men to be burnt at the stake—which deprived them of civil rights and privileges—because they could not mould their consciences to suit the dictation of the rulers of the day. These disqualifications had been in part removed, many still remained, and the bad principle was still in force, while compulsory assessments continued to be levied. An Established Church must be based on the assumption, that its form and tenets were right, and that those of other sects were erroneous; and yet it so happened, that in the British dominions, there were established churches, all, of course, right, and yet all essentially differing from each other. It had been frequently thrown out as a charge against those who adopted the voluntary principle, that they wished to overthrow all religion, and to appropriate to themselves the property of the Church. No accusation could be more false or base. Their known piety sufficiently rescued them from the one, neither did they seek to require for themselves any portion of the Church property, notwithstanding the example set them by the aristocracy at the period of the Reformation. It was not difficult to see why such zeal was manifested by the latter class for the stability of the Church, when it was recollected how many of their relations and dependents were thus conveniently quartered on the public. If Church establishments were, as he contended, the mere work of men's hands, they might be altered or abolished when the times demanded such a change. If they were ordained in Scripture he should bow to them, but only when their supporters should be able to point out to him such high authority. The noble Lord, the Paymaster of the Forces had said, that "tithes were the invention of a barbarous age;" with equal propriety might the same be said of Church Establishments. They existed not in the earlier and purer ages of Christianity; they had been the means of introducing corruption, and hatred, and bloodshed among Christians; they were unscriptural in their origin, and unjust in their operation. Christianity would never shine out in full lustre, till this veil were removed which concealed its brightness. The Church of Christ would never appear in its proper position till relieved from the trammels of legislation, and from those State obstacles by which her progress had been hitherto impeded. That House was bound to legislate for the protection and happiness of the people in all temporal matters; but rulers stepped beyond the limits of all just authority who dared to interfere between man and his Creator, or who wished to dictate to any one the tenets he was to profess, or the forms of worship he was to adopt, in addressing himself to the all-bounteous Author of his being.

Colonel *Evans* observed, that the tone of the petitions of the Dissenters ought to show Ministers the impolicy of half-measures on this subject. Their language and desires had become much more violent than before, since they found that his Majesty's Government was disposed to do little or nothing to relieve them. Religious establishments, in his opinion, should not be supported by large revenues, any more than civil offices should have large salaries. He could adduce several instances in the metropolis to show that compulsory payments were not necessary for the support of the Church. With regard to the admission of Dissenters to the Universities, he believed that Constantinople and Madrid were the only two metropolises besides London, where a college did not exist for all classes.

Mr. *Langdale* alluded to the petition he had presented from fifty Catholic clergymen, complaining of the measure which had been introduced by Government on the subject of marriage, and urged the necessity of some effective legislative enactment on the subject. There had of late been several instances of marriages, which had taken place in Unitarian places of worship, when a simple protest had been made at the altar, and he put it to the House whether any person could desire to witness the repetition of such scenes?

Lord *Althorp* admitted to the hon. Member that very considerable grievances existed on the subject of marriage. He did think it a great grievance on the Dissenters of every description to compel them to go to a Church from which they differed for the performance of what could not be fairly termed a civil ceremony, but was more properly one of a religious nature. The Bill of his noble friend removed those grievances; for although the performance of the rite of marriage was purely religious, such could not be said of the publication of bans. The Government had proposed to relieve the Dissenters in this respect, but it was well known, that the Dissenters were dissatisfied with the proposed measure on the ground that it did not go the whole length of their desires. It therefore became useless to pass a Bill of that nature. With respect to an entire separation of the Church and State—that was to say, the destruction of the established religion of the country—he was not prepared to concur in any proposition that would have that effect. The hon. member for Westminster had said, that half measures on this subject were impolitic, and that it was not till after the introduction of the Dissenters' Marriage Bill that the language of the Dissenters had assumed so violent a tone. It was, however, well-known, that such language was used long before the introduction of that Bill. It was used when it became generally known, that it was not the intention of Government to put down the Established Church. He had often stated in that House, that he was prepared to join with the Dissenters in any measures for the redress of all practical grievances, whether it was with respect to the celebration of marriage, the registration of births and burials, or the payment of Church-rates; but that those measures must be consistent with the preservation of the Church Establishment. He had hoped that the Dissenters would have been greatly relieved by the Bill he had introduced relative to the payment of Church-rates, and he still thought, if the Bill should pass, it would afford them considerable relief; but he was well aware, that when it was imagined by any class of individuals that they possessed sufficient power to carry their own wishes into execution, they were dissatisfied with every measure that did not go the whole length of their desires. Should that Bill pass, however, the distinction would not be so great hereafter as it was at present, and he earnestly hoped he should be able to carry it.

Mr. *James Oswald* said, I have been requested to support the prayer of the petition from Glasgow, and I regret much, that while I concur with them on many points, I cannot go along with them in all the views which they have adopted. It appears to me, that the petitioners would have acted more wisely had they limited the prayer of their petition to the redress of grievances and the reformation of abuses. I am warranted in saying this, as I find large bodies of Dissenters who disapprove of a portion of the petition. There has hitherto existed in Scotland an exceedingly good understanding between the Church and the Dissenters. This, petition has, in my mind, tended to diminish that good feeling. The petitioners propose to separate the Church from the State—in other words, to apply the revenues of the Church to State purposes. It is very easy to make such a proposition, but is it wise to do so now, or is it all likely that such a proposal will be adopted? The Church is a very powerful body, and very powerful as a political body, independently of all considerations connected with religion. Is it likely that this very powerful body will quietly, and at once, relinquish its great power and influence? In my opinion, it will not. I feel quite satisfied, that any attempt to press such a measure would lead immediately to a fierce collision between the two parties, and would endanger the peace and tranquillity of the country. Sir, it is my determination to resist everything that will in my mind tend to so lamentable a result. While I say this, and while I declare my determination not to lend my aid to any measure which will tend to overthrow the Established Church. I am, at the same time, ready to admit that, in my opinion, the petitioners have in principle the best of the argument. If I am right in this opinion, I conceive that I am also warranted in believing, that in this age of information and inquiry the opinions of the petitioners will gain ground—will gain ground amongst those whose opinions are the most to be valued. Sir, I feel quite satisfied of the correctness of the opinion, that Church property is in fact the property of the State, except in as far as may have been acquired from private bequests, and that no man ought to be made to pay for a religion which his conscience does not permit him to approve of. Sir, I feel gratified that these opinions are gaining ground in the country; and with all deference to those who differ from me, I may be permitted to say, that he is a very bold man, and one who has not looked accurately at the signs of the times, who will assert the contrary. If a great majority of the nation should adopt such opinions, the Church Establishment, as a matter of course, would cease to exist. I have no difficulty in supposing, that such an event may gradually and quietly take place, and without any hostile collision between the parties, and without any danger to the peace and tranquillity of the realm, and also, Sir, without any danger whatever to the interests of religion, for I will not pay so bad a compliment to the members of the Established Church as to fancy for a moment that their zeal for the interests of religion would relax or diminish on the withdrawal of the funds of the establishment. On the contrary, Sir, I believe that, in such an event, each Church would stimulate the other to increased works of piety and benevolence; but, Sir, this period has not arrived, and I cannot, therefore, support that part of the prayer of the petition which goes to do away with the Established Church.

Sir *Richard Vyvyan* said, he had presented many petitions in support of the Church, all of which had his most cordial concurrence. So long as the country was governed by a King, that King must be of some religion, therefore the Church and State must be connected until the country changed from a monarchy to a republic.

Petition to lie on the Table.

TITHES (IRELAND).] The Order of the Day was read for resuming the adjourned debate (from May 2nd) on the question, that the Tithes (Ireland) Bill be read a second time,

Mr. O'Connell moved, that the House be counted.

The House was counted, and it being declared, that there were 118 Members present, the debate proceeded.

Mr. *Ronayne* observed, that the object of his hon. and learned friend in counting the House was perfectly manifest. Yes, the object of his hon. friend was to show to the country, that, while four or five hundred Members could be called together to uphold the Pension-list, they could not muster together more than one hundred when the question to be considered was of the utmost importance to the people of Ireland. They could not command more than a hundred when the question was, whether or not Ireland should be visited with the tender mercies of the police and the military. The present Bill, he contended, was meant to perpetuate tithes under another name. With respect to the breach of confidence which was stated to have accompanied the production of the letter of the Marquess of Anglesey to Earl Grey, he could state, that the observation, if applied to him, was without foundation. The noble Lord knew, that there were many modes, without treachery, of obtaining such a document. He had read a paragraph in a paper, in which a certain individual was stated to have said, that he could not tell how any Gentleman could make use of such a document. He would only say, that, as far as the observations applied to him, he would take that opportunity of giving them his strongest and most indignant refutation. He did not think it necessary to give the source of his information, as he had a precedent in the noble Lord (Lord Althorp), who had refused to name the author of a calumny upon a Member of that House, which was admitted to be false and futile. For the purpose of saving a noble Marquess (the Marquess of Anglesey) he would read part of his correspondence. The hon. Member then proceeded to read a letter of the noble Marquess, in which he condemned the practice of compelling 8,000,000 of people to pay towards the support of an Establishment to which they did not belong. He could assure the Members of the Administration, that he would no more think of adopting their notions of honour, than he would think of imitating their "consistency." He was not affected by the contemptuous smile with which the right hon. Secretary for the Colonies (Mr. Stanley) honoured him. He was too well accustomed to the insolence with which the right hon. Gentleman treated the House on all occasions, to be annoyed by it now; the right hon. Gentleman might smile contemptuously as much as he pleased; he might throw his legs upon the table like a man in a North American Coffee-house.—[*Cries of " Order, order;" " Chair, chair."*]

The *Speaker* said, he was sure, that if any hon. Member had been guilty of disrespect to the House at any time, the House would not have failed to take notice of it at the time.

Mr. *Ronayne* would repeat, that not only himself, but every Member around him, had repeatedly had occasion to express to each other the indignation they felt at the gross insolence—it was far beyond disrespect—with which the right hon. Secretary habitually treated the House.

Mr. Secretary *Stanley* rose to order. He denied having been ever, intentionally at any rate, guilty of disrespect towards the House. If, on the present occasion, he had smiled, it had been at the preconcerted plan which so palpably appeared to have been got up between the hon. and learned member for Dublin, and the hon. and learned member for Clonmel (Mr. Ronayne), viz., that the former should count the House, although there were evidently above a hundred members present, and that the latter should introduce a clap-trap, to be duly transmitted to Ireland, about "500 members being present when the Pension-list was to be defended, but only 118 when the question was, whether Ireland should be given up to the police and the military." He would recommend the hon. and learned Member, when next he had the House counted, to take particular note how many Members of the name of O'Connell were present. On the present occasion, the hon. and learned Member was the only Representative of that name honouring with his presence the discussion as to "whether Ireland was to be given up to the tender mercies of the police and the military."

Mr. *O'Connell* said, it was a pity, that the right hon. Secretary had not applied himself to answering, if he could, the very first remark of the hon. and learned Member, instead of making an attack upon him (Mr. O'Connell), who had taken no part in the discussion. The right hon. Secretary's charge against him was distinguished by the right hon. Gentleman's usual disregard of veracity. [*Order.*]

The Speaker immediately rose, and Mr. O'Connell said, "Well, I withdraw that expression. May I not be permitted to explain?"

The *Speaker:* Certainly. The hon. Member may be allowed to explain what he intended to say, but he cannot enlarge upon the words he used.

Mr. *O'Connell* would explain, then, that having been attacked by the right hon. Gentleman, and accused most unfoundedly of having formed a premeditated plan or combination with his hon. friend to have the House counted for a particular purpose, he had called upon that House to discredit an accusation, than which he had never known anything more unfounded, than which nothing could be a greater falsity—that, he believed, was the Parliamentary word, and that he might be allowed to use. The truth was, that he had formed no plan, and had had no communication with his hon. friend. He had passed the last eight-and-forty hours in the utmost anxiety for the result of this Motion, and there was no sacrifice he was not ready to make to secure the pacification of Ireland. He had come down to the House under a strong feeling, which had been roused to abhorrence when he saw so small an attendance, and especially of English Members, and he then thought it his duty to take the course he took. And did the right hon. Gentleman think, that he was to be deterred from what he thought his duty by his taunts and the cheers which they excited? He knew it was easy for any man to get a shout of applause who attacked him, but that would have little effect upon his conduct. He agreed with his hon. friend in the view of the bearing of the right hon. Gentleman towards the House. Did the right hon. Gentleman think, that the indecent mode in which he frequently placed himself in that House—He thanked the hon. Gentlemen for their cheers; but, although there might be others of a different opinion, he thought such conduct was indecent; and he had heard fifty other Members say, that they thought so likewise. He was doing nothing, and had done nothing when the right hon. Gentleman attacked him. What right, therefore, had the right hon. Gentleman to tell him, that he had been a party to a conspiracy, when he had called over the House for no other reason than his desire to mark the distinction between the attendance of Members when the personal interests of Ministers were concerned, and when the matter in debate only concerned the interests of the people of Ireland universally? The right hon. Gentleman had no reason for charging him with combination; and he had said not a word to provoke the attack which he had been selected to bear. But this was not the first time that he had found men ready to assail him who were cautious not to attack others.

Mr. *Ronayne* then resumed. He denied the existence of any such combination as had been alluded to by the right hon. Gentleman. But he was not surprised, as that right hon. Gentleman had, on the 6th May, 1834, called the Irish, a bigoted illiterate people, possessed of all the vices and virtues of savages, to whom the new religion would be disagreeable, as it was forced upon them by conquest. It was against the perpetuation of a State Church that he (Mr. Ronayne) contended, and should contend as long as he lived; under what name soever it might be saddled on the country—tithes, or commutation, or any other name whatever. The Church Establishment of Ireland was maintained for no other object that he could discern, than to enable the English gentry to quarter their children upon it; and that it had no spiritual purposes to forward, was, as he would show, the opinion of several of the most distinguished members of the present Government when they sat on his, the Opposition, side of the House. [The hon. and learned Member here read extracts from the letter of the Marquess of Anglesey, which he had already referred to, and also extracts from the speeches of the Marquess of Lansdown and other Ministers, which, he said, were their sentiments before they had taken their seats on the Treasury Benches, and before a change of position in that House had effected a change of opinion.] In reference to the letter of Lord Anglesey, the noble Lord, the Chancellor of the Exchequer, had said, that it was a gross breach of confidence to publish it. He denied it, and considered it was as incumbent upon the person into whose hands it had come, to make known its contents, as if he had been secretly informed of a conspiracy to injure the interests of the country, to disclose it. The question of tithes in Ireland did not involve, as hon. Gentlemen on a former night had contended in the debate on the Repeal question, a dismemberment of the empire. It was a question whether peace should be restored to Ireland, or whether all the misery, bloodshed, and confusion, which tithes had created in that country, should still be perpetuated. Although the subject was one of such vital and paramount importance, the simple request made by the hon. members for Wexford (Messrs. Lambert and Carew), the other night, to have the debate postponed for the space of a week, in order to have the opinions of Irish Members ascertained as to how the provisions of the Bill would operate, was sternly refused. The desire of these gentlemen, who were the firmest supporters of the Government, could not be gratified, and the discussion was persevered in. In looking at such a measure he could not but remember, that it was proposed by a body of men who, when on that side of the House, had said, that the Church Establishment in Ireland ought not to be maintained, and who now supported the Pension-list, which they had then so often denounced. The House was, perhaps, not aware of the actual state of Ireland in regard to the population. He held in his hand a paper, being the census taken of the united dioceses of Waterford and Down in the year 1826. From this it appeared, that the population of Waterford alone consisted of 28,550 Roman Catholics, and about 4,000 others than Roman Catholics. The total amount of the census was, of Catholics 231,118, and of others not being Roman Catholics, 10,111. These were the proportions of a population for which it was proposed to legislate by such measures as that now before the House. Another mistake under which the House laboured was, that the amount of lands attached to the Sees of the present Protestant Bishops was no more than that which had been possessed by their Catholic predecessors. The fact, however, was otherwise, for it appeared, that the possessions attached to the Roman Catholic Church in Tipperary, in the year 1641, amounted to 8,517 acres, and the result of the rebellion in that year was to add 5,956 acres to the possessions of the Church of lands confiscated from their former Catholic proprietors. Since that period several hundred acres had been added to the ecclesiastical possessions, under the denomination of bequests for pious purposes, making a total, in the county of Tipperary, of 17,111 acres dedicated to Church purposes. 3,000 acres of this were appropriated to the support of Trinity College, Dublin, and yet it was said by some hon. Gentlemen, that these emoluments were not sufficient, and that there was not a more moderately endowed establishment in the world. He would here beg to ask how many Irish bishops were promoted to sees in England, and, *vice versa*, how many English bishops were promoted in Ireland? An answer to this interrogatory, would, he thought, sufficiently illustrate the objects which the English gentry had in advocating the continuance of the Church Establishment in Ireland. It would also show the discrepancy in the situation of the two countries, and would amply explain the reasons of the conduct pursued by the English Government to Ireland. The right hon. Baronet, the member for Tamworth had said, the other night, that there were twenty reasons why the Irish Church should be kept upon its present footing. The Irish Church Establishment might be a very convenient thing for the right hon. Baronet and others who appointed their early teachers to its emoluments. [Sir *Robert Peel*: Hear.] The right hon. Baronet cried "Hear." It might be a very pleasant thing for him; but how did the people like it? [Sir *Robert Peel*: But it is not so; it is not the case.] The hon. Baronet denied it. Well, he was prepared to enter upon the question whenever he pleased. The hon. Member referred to various passages in different speeches of Sir Francis Burdett, Mr. Brougham, (now the Lord Chancellor) Lord Ebrington, Mr. D. Browne, and the right hon. Edward Ellice, all of which were condemnatory of the principle of maintaining a Church Establishment in Ireland, from whose doctrines the great majority of the people dissented. These sentiments were uttered by them in 1826, on the Motion of Mr. Hume for a Committee to inquire into the expediency of abolishing the Church Establishment in Ireland. They all divided on that occasion with Mr. Hume, but he begged to remark, they were not then sitting on the Treasury Bench. But it was said, that, in the discussion of the present Bill, the question of appropriation ought not to be introduced. He could not subscribe to that doctrine; he contended, that the subjects were inseparably connected; and when he called to his recollection the speech made by the right hon. the Secretary for the Colonies last year, and the conduct of the Government, he could not omit so important a consideration. Did not the House remember, that, in the progress of the debate on the Tithe Bill of last year, the right hon. Gentleman withdrew the 147th clause of that Bill, because it was supposed to have included in its objects the enunciation of the doctrine, that Parliament had a right to regulate and control the disposition of Church property? This was done lest the tithes should be interfered with, and the exercise of Church patronage in Ireland discontinued. The amount of Church property in Ireland, according to the Down survey, was 700,000*l.*, and, if the truth were told, it would be found to approach near a million of money in value. Such being the case, taken together with the enormous revenues of the Bishops' sees, he defied any man to prove that the Church of Ireland was supported for purely spiritual purposes. On the contrary, its main end and object was to provide for needy and hungry dependents. It was an observation made by the late Mr. Grattan, in his peculiarly forcible epigrammatic style—"Under a system of compulsory payment, the income of the clergy falls with their virtues, and rises with their bad qualities." Never did that great and gifted man propound a truer doctrine. These topics, he was aware, he was urging, perhaps, with little effect—for he felt he was addressing an unwilling audience. He should, therefore, trespass but a very few minutes longer upon their attention. Before he concluded, however, he could not help reminding that House, that they had always legislated for Ireland as though it were a Protestant country, like England. While adverting to this view of the subject, he should read an extract of a letter written by an individual, greatly and deservedly revered in Ireland, and whose name was not, perhaps, wholly unfamiliar to hon. Members of that House—he spoke of the right rev. Dr. Doyle. The letter to which he alluded, was addressed by that eminent man to the late Secretary for Ireland, the present Secretary for the Colonies. The hon. and learned Member then proceeded to read an extract from the letter, in which the writer said, that no greater error could be committed by a statesman than to legislate for the Church of Ireland as he would for the Church of England. It was difficult (the writer went on to say) for a man born to an inheritance of rank, of wealth, and of power—one who fancied that the people were born to be ruled, and he to rule—to admit into his mind any idea of making concessions to the necessities or the wishes of the people. The right hon. Gentleman, to whom that letter was addressed, had not, the writer said, succeeded in doing so—and in that opinion he, (Mr. Ronayne) fully concurred. The writer concluded by saying, that it would be impossible to give peace to Ireland while the present system of Church revenue was continued. These were the opinions of Dr. Doyle, in which every man conversant with the state of the country of which he was speaking must fully coincide. In taking his leave of the subject, he (Mr. Ronayne) could assure the House, that any further attempt to maintain tithes would only bring additional disgrace upon its authors. Was it necessary to remind the House, that laws derived their authority from the moral sanction of those they were intended to govern? The people of Ireland were hostile to tithes; and could it be supposed, that laws for their maintenance would be of any avail? They might go on fulminating their edicts; but what would be the effect? This Bill, he predicted, would have the same result as that unequalled piece of legislation which was introduced by the right hon. Gentleman opposite last year. A most cumbrous and vexatious machinery was put in motion, and, at an expense of 28,000*l.*, 12,000*l.* were collected. And such would be always the result when laws were made in opposition to the fixed wishes of the people. They might continue to deluge the country with blood. Why, to recur to no more distant period than the last week, were hon. Members ignorant of the detail of what had occurred in Limerick? There, in supporting this system at the point of the bayonet, four persons had been killed, and twenty wounded—perhaps mortally. How much longer was it supposed the people would endure these evils? Did not every Gentleman at all acquainted with Ireland know, that most of that dark category of crime which disfigured the annals of the country—Whiteboyism, in its various shapes—sprung from the efforts to maintain a Church from which the people derived no benefit, This was a melancholy fact. Let the House, then, persevere if they would. The misfortune, in the first instance, would fall upon his country; but the crime, and the consequences of that crime, would be upon the heads of its authors. The hon. Member concluded by moving, "that the second reading of the Bill be postponed to that day six months."

Mr. *Lalor* seconded the Amendment. The Irish people would never endure, that such a sum of money should be drawn from their property to be lavished on men who were the bitter foes of their country, who heaped all kinds of contumely and oppression upon them. Tithes were not only one-tenth of the value of the land of the country, but of the labour and capital of the poor. But, great as was that hardship, it was a folly to suppose, that it was the amount that was complained of. No; it was the appropriation of it to such men as the Protestant clergy. There was another fallacy, in supposing, that the tithe composition was entered into voluntarily. No such thing. At first twenty-two of the highest rate-payers were empowered to effect a composition. After a few years' experience, it was found expedient to add to them those who possessed large property in the parish — Magistrates and others. These, in a short time, bore down the twenty-two, and thus compositions were carried against the wish and interest of the parishioners. In the parish where he resided, the clergyman, who was a pluralist, and an absentee for thirty years, proposed a composition to the amount of 1,100*l.* To this the parishioners objected, saying, that they would give him, if he produced his books, the average of his tithes for the last seven years. This he refused, which was some proof that he wanted a much larger composition than he was entitled to. In the course of a year he died, and his successor, through the facilities afforded by the change in the Act, contrived to pack a vestry and carry in the parish a composition to the amount, not of 1,100*l.*, but of 1,500*l.* The same happened in several other parts. But the composition had one advantage; it opened the eyes of the people to the emoluments of the Church, and led to passive resistance. It was a mistake, too, to suppose, that tithes were paid by the landlord; they were paid by the tenant, for, in fact, they were a tax on his labour and capital. It was said, that land tithe-free would let higher than tithe land. Certainly it would—first from the amount of the tithe, and secondly, from the annoyance of it. But, then, he would maintain, that if tithes were abolished to-morrow, the land would not let higher than it did before. For instance, houses did not let higher after the removal of the hearth and window taxes than they did before. If tithes were applied to the relief of taxation, to the granting a provision for the poor, or to some national purpose, they would be more palatable. There was Church land enough for the maintenance of the whole Establishment, if the whole Irish people were Protestant. The Church had about 1,000,000 of acres, which, if well managed, would be more than enough for all its purposes, without the addition of tithes. Nothing but the total abolition of tithes would satisfy the Irish people.

Sir *Henry Willoughby* said, that he should studiously avoid the question of appropriation: the only question properly before them was, whether the Bill tended to the beneficial commutation of tithes. The commutation provided for in the Bill appeared to him to be the best basis on which tithes could be settled in Ireland, accompanied as it was, by a table of reduction, and by an easy power of redemption. The hon. member for Tipperary and other hon. Gentlemen had, with great ability, pointed out what they considered the defects of the present Bill; but they offered to the House no suggestions of their own for a better system of procedure. Though they might not desire to destroy the Irish Church, the tendency of the course they were pursuing was unquestionably to have that effect. The hon. and learned member for Dublin having been examined before a Committee of the House on the 11th of March, 1825, said, in his evidence — "The Catholic people of Ireland are not anxious to transfer the property of the Church into other hands; and if the people of England were acquainted with that fact, they would not be so opposed as they are to the Catholic claims." He might assert, then, on the best testimony, that, at all events, at the time to which he had alluded, the Catholics of Ireland did not seek a different appropriation of the Church property. Gentlemen also declared that they had no wish to transfer tithes to the landlords; but, certainly, from the acknowledged competition for land in Ireland, where the people were so anxious to obtain land at any price, if tithes were abolished, they would go to the landlords. Though he was friendly to the principle of the Bill, there were particular clauses of it to which he was opposed. But that being a matter of detail he should reserve his statement of the objections he had to make till the Bill got into Committee. He, however, might be now allowed to say, that in one clause of the Bill he considered the lay impropriators of Ireland to be very ill-used. If, by an Act, we gave to the lay impropriators four, they being entitled to five—or if we gave them three, they being entitled to four—that was an act of spoliation. Looking at the lay impropriators as at a man who had purchased his property, the provisions of the Bill were hard. If a surplus were found, it was to be handed over to the Consolidated Fund; he thought the lay impropriators were entitled to that surplus. From the time of Henry 8th to the present there was not an attack on the property of the Church that did not give a part of the spoil to laymen. He would state some objections he had to certain parts of the Bill when it was sent into Committee. Lay impropriators would suffer great injury by the Bill, which would take from the Church at least one-fourth of its property.

Mr. *Denis O'Connor* regretted, that he was compelled, in the discharge of the duty he owed to his constituents, to withhold his support from the Bill under the consideration of the House. He wished he could support it, because it was introduced by the present right hon. Secretary for Ireland, who, he felt convinced, was actuated by a sincere desire to ameliorate the condition of that country, and because it professed to have for its object the abolition of the evils of that tithe system, which contributed, as had been justly observed, more than any other cause whatsoever, to fill with misery and crime a country that would have otherwise been peaceful, prosperous, and united. The right hon. Secretary sadly miscalculated the advantages which he anticipated from the present Bill. It would be far from satisfactory, and, therefore, could not be final, and nothing, in his opinion, could be more pregnant with evil than passing laws affecting property of any description which involved in themselves the certainty of their future and almost immediate alteration. Most undoubtedly the present Bill would not receive that acquiescence from the people on which its permanency could be based. In his judgment, in adapting laws, the tone, the temper, the circumstances, and the wishes of the great body of the people, for whose benefit the laws should be made, ought to be consulted, as far as that could be done without a compromise of justice, or of social order. This Bill, like all the remedial measures of the present age, came too late. Some twenty years ago, when the people were harassed by tithe proctors, but were not yet goaded to general resistance, and were unconscious of their power, he did think the present measure would have been received as a boon. But that time was gone by; the time for compromise, the time for half-and-half measures had passed away; they should legislate for the present, not for the past. Now, what are the present feelings of the people with respect to tithes? They feel they have the power of successfully opposing the payment of tithes by passive resistance to their collection. They believe, in the literal interpretation of the word extinction of tithes, which fell from the right hon. Secretary for the Colonies. He admitted freely, that he never mistook for a moment the meaning that word was intended to convey, but every one of the witnesses who gave evidence before the Committee of the House concurred in saying, that the people gave a literal construction to that expression. The people believed their representatives would demand the literal fulfilment of all they inferred from that expression. They felt, that its fulfilment was but consonant to every principle of justice. They were convinced, that tithes ought to be extinguished, not in name only, but in substance and reality. They objected to the principle of tithe; they would not assent to the payment of public money, where no public service was rendered in return. No matter under what name it might be collected, be it called a Land-tax, or be it called tithe, it was alike to them objectionable. The medium through which it was collected, was a matter of indifference; be it the landlord, or be it the tithe-proctor, who enforced the assessment, it was equally obnoxious. Now, he would ask, how did the present Bill benefit either the people or the landlord? Were the people exonerated from the payment of any portion that they paid before? Not one *iota*. All that the tithe-proctor could demand under the Tithe Composition Act, the landlord would be empowered to recover under this Bill. What difference was it to the poor man whether it were the bailiff or the tithe-proctor that wrung from him the same amount, and for the same purpose? Was the landlord benefited? He was told, that he should have a bonus, if he would assume the enviable position of tithe-proctor. What, he would ask, was the landlord's duty, and what was his reward? That which the Church, with all its ascendancy, that which the State with all its powers, its magistracy, its police, its horse, foot, and artillery, could not collect, the landlord must recover, under the penalty of forfeiture of his property, and, as a boon, he was to be allowed to retain the last reluctant drop he could squeeze out of the people, the last penny that was to fill the measure of a demand that was acknowledged to be irrecoverable. The Government failed to collect the tithe; they said to the landlord: "We cannot collect it, but you must. It cost us twenty-five thousand pounds to collect 12,000*l.*, out of 60,000*l.*; you shall collect it at your own expense, and provided you pay us 80*l.* out of every 100*l.*, no portion of which we (with all our powers) could recover, you may keep 20*l.* for yourself." Neither tenant nor landlord were benefited by the Bill except in so far as the mode of collecting the assessment was improved. Were that assessment lightened in its amount, or were it differently appropriated, then satisfaction would most unquestionably be afforded; but there was no hope held out in the Bill, that the appropriation would be altered; indeed, the contrary was to be inferred from all the speeches in which the measure had been recommended; and, as to the amount of tithe, that was to be placed on the land in the shape of a Land-tax. He was assured, that it exceeded the amount ever *bonâ fide* collected as tithe. He felt quite convinced, that, upon inquiry, it would be found, that in an extraordinary number of instances the tithe compounded for, far exceeded the amount ever paid as tithe. Hon. Members deprecated all discussion on the appropriation of the money to be collected under this Bill; they asserted, that its collection and its appropriation ought not to be considered together. He considered, that it was almost impossible not to associate them in the discussion of the present question. In proof of how much the safety of one depended on a declaration with respect to the other, he would read passages from the publication of the rev. Mr. Hincks, a Protestant clergyman of high literary attainments, and lately a distinguished fellow of Trinity College. That Gentleman stated, 'I 'have been for some time completely 'satisfied, that as a permanent provision 'for the Established Church, tithes or 'any substitute for tithes are irrecoverably 'lost, and that it is only by a prompt 'recognition of this by the Legislature that 'they can be saved, if they can be saved 'as a national revenue, as a provision in 'the first instance for the existing incum'bents, and ultimately as a part of the 'provision which a Christian nation must 'establish for the poor which shall never 'cease out of the land.' Did not he enforce the necessity of recognising the right of appropriation in any attempt to secure the fund? Mr. Hincks went on to say—'Any hope of retaining permanently its 'endowments for the Established Church 'is delusive; I recognise to the fullest 'extent the right of the nation to dis'pose in what way she may please, of 'the endowments of the Church, as exist'ing incumbencies terminate. I cannot 'question the right of the nation to inter'fere; my wishes do not get the better 'of my judgment; the time is come.' He agreed with Mr. Hincks, that the rights of existing incumbents should be respected, even though some of them had forfeited all claim to the protection of the Legislature by not availing themselves of the million, granted with a view of tranquillizing the country; but he never would be induced for the faults of a few to withhold the rights of the many. He did not wish to intrude on the time of the House, but he could not avoid making a few observations on the Amendment suggested by the hon. member for Kildare, and supported by the hon. member for Wexford. In so far as it proposed to equalize the tithe all over Ireland, he dissented from them entirely and most unequivocally. Their propositions appeared to him consistent neither with justice nor policy. They proposed to increase the tithe in those districts, where contracts had been entered into under the impression, that the tithe was light, in order to lessen its pressure on those districts where engagements had been made with the knowledge that the tithe was high. It was on the very grounds, that they attempted to justify the equalization of tithes that he protested against it, namely, that its amount was widely different in one place from what it was in another. Were it nearly the same he might assent to a general assimilation. There were different modes adopted in different parts of the country; some were never subject to tithes for hay or potatoes. Were they now to be deprived of an advantage which had been secured to them by prescription? Was it just to those who had purchased, inherited, or leased property subject to a small amount, to compel them to pay a large amount, in order to exonerate those who had purchased or inherited their property subject to that amount; but, said hon. Members, extend the same laws to Ireland as to England. He would say, give both the same laws where the circumstances were the same; but the circumstances of tithe in England and Ireland were widely different. The Tithe Bills for the two countries profess to provide a substitute for tithe in each, and therefore the substitute ought to be different, as the tithe was different. "But," they said, "if a small amount of tithe be imposed on the districts, where a small amount has been paid, a premium would be given to those who resisted tithe, and punishment would be inflicted on those who paid it. That was a most unfair assertion. The places where the least tithe was paid, were in Ulster and Connaught; and it was precisely there, that there had been the least resistance to tithe; so that, in fact, it would be much fairer for him to say, if more tithe be now imposed on Connaught and Ulster, and less in Munster and Leinster, than before, that the former were punished for their obedience to the law, and the latter rewarded for their resistance to it. Let those hon. Members diminish the tithe in their own districts, if they could, but not by increasing it in any other. As matter of policy, nothing could be more unwise than to increase it in any part of Ireland. The dissatisfaction that would arise from the increase of tithe in one place would, he assured the House, be much greater than the satisfaction that would be produced by its decrease in another- the benefit would soon be forgotten: the injury would be held in constant and painful recollection. The increase of tithe in any place would be regarded as an evil; and if this was inflicted by a Bill professing to be a Relief Bill, it would be considered a mockery, and might be productive of the worst possible results. He protested against the injustice and the impolicy of any equalization of tithe, as recommended by his hon. friends; but to the present plan he could not assent, because it appeared to give consolidation and perpetuity to a system that had caused misery and dissatisfaction in Ireland.

Mr. *W. Roche* said: Not being personally connected with Tithes or Church property, I shall refrain from entering into a detail of their practical evils and results which, during the two nights' discussion on the subject, have been so forcibly and amply demonstrated to the House; but, Sir, although I shall thus refrain from details, I cannot forbear observing, as regards the principle upon which that impost and mass of property are founded, that religion never can become what its Almighty author designed it to be, "the tranquiliser of our passions, prejudices, and animosities;" the promoter of our social harmony and happiness, instead of, as it often unnaturally and unfortunately does in these countries, augment and embitter every other source of discontent or collision, until every class of Christians cease to tax and harass their neighbour, by compelling him to support doctrines from which he conscientiously dissents, while, from duty and inclination, he is called upon to support those his conscience and feelings concur in, or, in other words, until each sect maintains its own institutions, that only sound, moral, and honest maxim, one to which the conviction of mankind is every day advancing, as is demonstrated by the rapidly increasing representations and petitions to that effect from all classes of Dissenters. Sir, in every country where this honest and conscientious principle prevails, we have indubitable proofs of its value and advantages; nor can even the spiritual tenets of any particular sect have fair play, while, as in the Established Church, the sense of injustice and antipathy arising from unfair and compulsory support opposes calm inquiry at the very threshold. But, Sir, until this fair and happier principle be recognized and adopted, I feel it to be my duty to prefer and support such measure or modification of the existing system as will most conduce to mitigate its evils, and prevent a recurrence of such horrors, of such painful and cruel conflicts, as unhappily occurred a few days ago in the county of Limerick, the county to which I belong, but which nevertheless prove, in a most melancholy manner, the unconquerable antipathy of the Irish peasantry to the tithe system; a conflict in which, notwithstanding the humane and praiseworthy forbearance of the magistrates and military, the people rushed into destruction almost, I may say, to the cannon's mouth, and caused the immediate death of five individuals (one of them a female), and severe though lesser injury to twenty or thirty more. Sir, every principle of sound policy, every sense of moral feeling, call upon us to remove so fertile a source of injustice and bad consequences, so rapidly increasing a cause of utter alienation on the part of the mass of the Irish people, and so utterly repugnant likewise to the true character and principles of Christianity.

Mr. *Ruthven* thought, that the Bill before the House would not go to prevent any scenes similar to those which had already taken place. The collection of tithe, he maintained, was a system which was founded upon the principle of the ascendancy of the Protestant Church in Ireland. He thought that they were the real Protestants who dissented from and protested against an Established Church—who objected to a dominant church; and he would maintain that each church should be supported by its own adherents. This was the fair and just principle to go upon. There were no means he would not resort to, to oppose the domination of that Church of which he himself was a member. If they were to regret anything more than another, it was the fact that a number of those Ministers of religion who received wages for their services, prostituted its name, and debased its duties. One great mischief to which the present Bill would lead was, that the landlord would be thrown into the obnoxious situation of demanding from his tenantry that impost which had been productive of so much misery in Ireland. It was clear, that the landlords must collect the tithes, or that which was a substitute for them. The tithes, he held, were national property, and he did not wish to take them away, and put them into the hands of the landlord; but let them be directed to the proper quarter—let them be directed to objects which were really religious. Seeing that the people of Ireland had been led to expect general relief from tithes, they had expected something more than this measure. In one parish, placed under the operation of the compulsory composition, twice as much, nay, three times, aye, and four times as much, had been taken for the same value of tithes as was taken in another. Certain papers had been reverted to within the last few days upon this question, which were utterly fallacious—they were furnished, he believed, from Dublin Castle. The hon. member for Kildare had made use of them; and he was certain he was wrong both in the use and application of them. Some parishes were paying five shillings, and others not two shillings. He thought the effect of this Bill would be only to proceed from bad to worse, though this Bill might, perhaps, answer the contingency of the day as far as the Government were concerned. In conclusion, the hon. Gentleman adverted to the fact of this debate having commenced with a most scanty number of Members present. And when the House was about to be counted, there came, he said, a rush into the House, which had induced him to make the parliamentary noise of "hear, hear!" When he saw men thus eager to see who should be first to throng up to the benches to put down the Irish, he certainly had expressed the feelings of an Irishman outside of that House, as he would do under similar circumstances inside.

Mr. *Fitzgerald* said; Sir, that this Bill has caused much dissatisfaction in Ireland is beyond all doubt, and I fear much it will also create great disappointment; for, after the Address to his Majesty, lately passed by the House, the people of Ireland have reason to expect, that when the grievance which, above all others, has oppressed them the most, is under consideration, a substantial remedy would at once be applied, thereby proving that the Imperial Parliament deserved the confidence they claimed from my countrymen, when legislating for them. It is true, Sir, that we have had, in the last five or six years, many enactments on tithes; but it is equally a matter of notoriety that they all failed—and why? Because while the supporters of them professed that they were to ameliorate the system, and to better the condition of the tithe-payer, the bills in their operation had quite a different effect. They, in most instances, increased the amount of tithe to be paid; in all they bettered the title, and added to the power of recovery of the tithe-owner; thus augmenting the evil they professed at the outset to remedy, for if such were not the intention of Parliament at the time, why meddle at all with the subject? Now, Sir, on these points I have had many complaints from the county I have the honour to represent, but I shall now merely select two of them, because they come from parishes adjoining my residence in the county Louth. The first is from a very considerable parish indeed, which was put under the Compulsory Composition Act of 1832, in pursuance of which a vestry was held, when an agreement took place between the incumbent and parishioners, and with the knowledge of the Commissioner, whereby the sum of 1,750*l.* per annum was fixed as the sum to be paid in lieu of all future tithes, and it was considered the composition was so settled. Sir, in confirmation of this, I hold in my hand a letter from the incumbent, stating he was authorized by his Majesty's Government and the Lord Primate, as the joint patrons of this parish, to ratify this agreement; and yet, Sir, will it be believed, that the parish now stands charged with no less a sum than 1,995*l.*? that is 245*l.* a-year more than his Majesty's Government, the Lord Primate, and the incumbent himself had finally agreed to take in September last. This is what my constituents complain of, and which it is my duty to lay before this House. The House, in hearing that such a sum as even the 1,750*l.* was to be paid by any one parish, will easily believe it must be a considerable one, and so it is. By the last census, (1831,) it contains no fewer than 9,721 persons, all of whom are Roman Catholics, except about 200 of the other persuasions; so that hon. Members will readily conceive how sorely this additional burthen, after the ample provision already stated, is felt by the inhabitants in general. The other case I shall quote is that of a smaller parish, (Dromeskin;) there it is stated to me, that the rector let the whole of the tithes in 1831 for 368*l.*, which may fairly be supposed to be the value; and yet, though the price of corn has ever since been on the decline, yet, for 1832, he demands 509*l.*, and the still further advance of 560*l.* for 1833; both these sums the parishioners resist, and desire an inquiry. This parish contains 2,621, of which 101 are not Catholics. Sir, in stating thus the grievances of my constituents, on a subject so necessary to the best interests of Ireland, it is not my desire to complain of any individual, and in seeking redress on this important subject, by an abatement of the tithe system throughout that kingdom, I have no idea that the benefit should go to the landlords exclusively. I wish this property to be reasonably ascertained, and then to be considered as national—I wish all the just and necessary wants of the Church Establishment in Ireland to be provided for, and that any surplus, after the demise of the present incumbents, should be applied, under the control of Parliament, to religious purposes, if you will. Sir, I regret that the resolution of my hon. friend, the member for Kildare, as to the appropriation of tithes is not to be entertained by Government at present; for, after all, that is the greatest grievance of the system; and as we are called upon to make sacrifices to the common cause of preserving the peace and well-being of Ireland, it would be very gratifying if the Government came forward with its views on this important part of the subject. As I consider, therefore, this Bill deficient and objectionable, I must vote against it.

Mr. *O'Connell* was in hope that, by adjourning the debate he should attract the attention of English Members. He hoped that justice would be done to Ireland, but that hope appeared also futile. He had come down to the House that night in expectation that the attention of English Members would be aroused to the condition of the Irish people, and that their sense of justice would have impelled them to come to a satisfactory settlement of the question of tithes; but a chill came over him when he saw the benches so empty, and he vented his indignation in the only form left him—that of moving that the House should be counted. Perhaps he was wrong in doing so—perhaps not; but, right or wrong, the sentiment was strong in his mind (when he recollected the majority on Repeal, in connection with that meagre attendance) that English Members—he did not mean to accuse them—were apathetic on mere Irish subjects. From the time he counted the House, early in the evening, until that moment, the attendance was miserable. He had often seen twice the number on a debate on an English turnpike Bill. The neglect of Ireland was so manifest all through, and this Bill was such a convincing proof of it, that if it were allowed to pass in its present shape, it would be very easy to tell who was right or who was wrong in demanding a domestic Legislature for that country. He did not wish to originate exciting topics; but the absence of English Members from the discussion of this Irish subject, and the tone of the House all through, compelled him to say what he did. He would ask English Members, were they aware of the length and antiquity of the tithe war? It commenced in 1760, which, up to the present period, made a sum of seventy-four years as its duration. It had lasted all the time, with the exception of a few brief pauses, caused by the increase of sanguinary statutes; but these pauses were always followed by prolonged bursts of greater atrocity, crime, and the effusion of human blood than before. That was the brief, but comprehensive and melancholy history of tithes in Ireland; and if any man chose to gainsay him, he was ready to go to history and the Statute-book for proof. The first Act of Parliament for the suppression of tithe disturbances was passed in 1763. That Act gave power to Magistrates to put to death any person or persons present at an illegal meeting, which refused to disperse at their direction. The Magistrates were made the judges of its legality or illegality. The next enactments were made in the 2nd and 3rd Geo. 3rd. By these, ninety-five capital offences, in connection with resistance to tithes, were created. One of them in particular, made it capital to attack a dwelling-house. He had seen men convicted and executed for merely placing their hand on the door, and never offering violence to the building. The Statutes proceeded from bloody to bloodier, and crime increased with them, *pari passu*. Since the Union, however, it had become greater than ever. When all the forms of constitutional punishment were exhausted, recourse was eventually had by the Legislature to courts-martial and Coercion Bills. Thus there were seventy-four years of crime—crime of the worst character—assassinations — murders — burnings—and all caused by tithes, or, at least, by the resistance to the collection of tithes. The Coercion Bill was passed; but did any one mean to tell him, that Ireland was tranquil? It was true a calm had been produced, as he and others had predicted, for a short period; but how was the country circumstanced now? Had that deceitful calm continued? Would the noble Lord tell them, that Ireland was tranquil, or likely to be so? They had had a lull in Ireland, but had it not ceased? Had they not proclaimed four baronies, and last week, only, had not the Magistrates of Westmeath declared or proclaimed three Baronies in that county? Did any man suppose, with these facts before him, that they could go on much longer without taking effectual measures to pacify Ireland. They might depend upon it that "Wait awhile" would not do, neither would their present Tithe Bill do. The right hon. Secretary for the Colonies thought to pacify Ireland, at least he introduced his great Tithe Bill for that purpose when Secretary for Ireland. He meant no offence to the right hon. Secretary; on the contrary, he gave him credit for having been actuated by the best feelings towards Ireland on that occasion. That the Bill was to pacify Ireland, it was expressly announced as intended to "vindicate the law;" a lofty and sounding phrase, which was warmly received by that House; and a further promise was made that, when the law was vindicated, then something would be done for Ireland. These professions and promises were received with loud cheers. Well, the Bill was carried; but how did it succeed? Did it pacify Ireland? Did it do a single bit of all the promised good? Though the right hon. Gentleman armed himself with all the laws for the recovery of crown debts—with all the laws between landlord and tenant—with all the laws relative to the clergy—how did he succeed? 12,000*l.* was collected, and 28,000*l.* was expended on the collection of that amount of debt. Besides which, the right hon. Gentleman was obliged to call in the aid of infantry, cavalry, artillery, and even marines, to get so much, and at such an enormous expense. It might be said, the cause of Ireland's misery was agitation, and that she would have no rest till the race of agitators which at present convulsed her was at an end. To this he would answer, that agitation had begun long before the present race was born; and that agitation would go on after their death, unless the cause of it were removed. This proved, that the evil was far more deeply rooted than was believed; and English Members would be either wanting in their duty, or else hypocrites, if they did not look closely to it. He would not then multiply instances which rose to his mind, but he would take leave to quote two only. The first two years of the reign of George 4th, 1821 and 1822, were the most free from political agitation, in consequence of the hope that the promises of that monarch's youth would be fulfilled when he had leisure to think of Ireland; yet there had never been greater agrarian disturbances in that country, than during that time. In many places open insurrection had taken place, and the people had fought the King's troops with various success. In 1828, the greatest political agitation which Ireland had ever known existed, in consequence of the repeated refusals of Catholic Emancipation; yet, in that year, and the two following, there was no agrarian disturbance whatever. This was a proof that political and agrarian agitations were not parallel, and that one was not caused by the other. Therefore, the cant about political agitation was worse than idle; it was wicked, because it offered a pretence for withholding from a people conciliation and justice. The truth was, tithes were the great political and agrarian agitators. If they were taken away, disturbance would exist no longer. The present was an awful and an important period in the history of his unfortunate country. What he said that night might have the effect of appeasing the people of Ireland (he wished from his soul it might have) or it might have the effect of hastening a catastrophe which he would give his best blood to avert. Why was it, that Ireland was treated differently from England, and particularly from Scotland? Had there been any agrarian agitation in England for the last seventy-four years? Had there been any in Scotland? No. Scotland was appeased by concession; England had always obtained what she wished. Why not try the same experiment in Ireland? Surely it was less likely that different means would produce the same results, than that the same means would produce the same results. Scotland was made prosperous by conciliation—was it fair to suppose Ireland would be made otherwise by the same course? Did they think so meanly of the Irish as to suppose, that they were incapable of profiting by the advantages held out to them? A great opportunity presented itself of making an effort in favour of Ireland; and would they allow it to escape them? The other day, when an address was to be presented to the Crown on the question for the Repeal of the Union being negatived, they all went up in their carriages, Lords and Commons, Dissenters Quakers, and all—up they went—there were plenty of them when the object was to give Ireland a bad word. The Irish Catholic people came here in 1825; in that year, they went on their knees, and offered vows and protestations, and all, he believed, were satisfied, and no one doubted their sincerity. But it might be asked, wherefore revive this? *De te fabula narratur.* They asked for emancipation, but it was refused—indignantly refused to them. But, at length, those who refused were obliged to surrender it, almost disgracefully, that which might before have been given with honour, and received with gratitude. He now came to another, and to himself, and he would state this openly, that he was ready to give up the darling plans of his life—he was ready to retire into private society, if his Majesty's Government would only consent to do justice to Ireland. For this he was ready to sacrifice all that was most dear to him—fame, fortune, all.—He would be content, should Ministers deem it desirable, to retire into the privacy of domestic life—if that darling object of his ambition—that for which he would lay down his life, if the sacrifice were required—justice, were done to his country. He did not speak from his head, but from his heart. He felt and meant every thing he thought and uttered. The crisis had arrived when the ministry had it in their power to do justice to Ireland. He knew that they were strong, but that they were also beset with difficulties—that their path was strewed with thorns. He entreated his Majesty's Ministers to reflect that they were now at a crisis, when the pacification of Ireland was most essential. They were surrounded with difficulties. They met with abundance of opposition from various quarters. The agricultural interest was crying out for relief—

the Trades' Unions were growing to a portentous magnitude, and now against these proposed amendments of the Poor-laws, a powerfully hostile spirit was already evincing itself. Surely, then, at such a time, the pacification of Ireland was a matter of the first consequence. And if they asked him how they were to pacify Ireland, he would answer, by not enforcing compulsory payment for the purpose of supporting the clergy of a religion in the doctrines of which the great majority of the people of that country did not believe. What were the consequences of pursuing an opposite system? Did they wish to gratify the hon. Member for the University of Dublin, who last year advised the clergy to insist, *Shylock* like, upon exacting the very last shilling of tithe which they could claim? Did they wish to behold the effects of that advice? Alas! it had been written in letters of blood. If his Majesty's Government, in choosing between two courses in relation to Ireland, resolved to adopt a Tithe Bill, for the purpose of upholding and perpetuating Protestant ascendancy in Ireland, it would be the worst bargain they had ever made. He now came to the Act itself. He would not enter into the details; they would be more properly and conveniently discussed in a committee; and if he referred to any details at all, it would be only to such as necessarily involved a principle. The first object of the Bill was, to ascertain what was the amount of the public property in tithes. He did not object to this ascertainment, but he objected to the manner and the mode, and, on that ground, must vote against it. Complaints had been made against the landlords in Ireland, but he would not enter into topics of irritation. He thought it just, that there should be an ascertainment. He looked upon tithes as public property, and that neither landlords nor tenants ought to have the spoil of it. This ascertainment of the property should also be a moderate one, as was the case with the ascertainment of the teinds in Scotland. But the present ascertainment was not moderate. He did not desire, however, an entirely new valuation. He did not seek to disturb the existing valuation in those parishes that were content with it, and he was bound to say they were numerous. But there were very many cases in which the parishes complained of the valuation that had been put upon their tithes, and to such parishes he entreated there might be granted another investigation, with instructions to value moderately. Was the House aware, that no composition could take place under Mr. Goulburn's Act, without the consent of the clergyman? It was a one-sided voluntary. The parish could not compel a composition, unless the clergyman and the bishop consented; but whenever the clergyman considered, that a composition would be for his interest, he had the power of compelling it. The advantage, too, existed entirely on the side of the clergyman, and there were many cases where the larger tithe-payers refused to come in; the clergyman called on a number of the smaller tithe-payers, and thus succeeded in carrying his point. In fact, so well armed was the clergyman by Mr. Goulburn's Bill, that there was no single instance of a successful opposition on the part of the parishioners. In many instances a value was set on lands which had not paid tithe before for fifty years. The Commissioners — they were notoriously unfit for office — indeed, the impartiality of that Bill, and the effect which it was likely to produce on the people of Ireland might be fairly estimated from the fact, that it was, on its promulgation, regarded by the Protestant party throughout Ireland, as one of the greatest benefits and blessings that could possibly be conferred on the Established Church. But, in one respect, the right hon. Gentleman's Act was ineffectual, for, pass whatever Acts of that nature they pleased, they could never overcome that determination which was generally felt throughout Ireland—that tithes should not be paid—a determination of the most obstinate nature, and which the peasantry of his country had so often sealed with their blood. The people of Ireland had determined to pay tithes no longer—a determination for which, as a recent incident in the county of Limerick proved, they were ready to shed their blood. There was something ludicrously horrible in that affair. Two cows and a couple of pigs were seized for tithes by a detachment of the eighty-fifth regiment of foot, and a large body of police, under the direction of a magistrate. Though the military and police were attacked with stones, they exhibited great forbearance. It was not until a fellow rushed out of a cabin, and discharged a pistol at a serjeant of the

85th, that the party fired. Four of the people fell dead on the spot, and several were carried away wounded. He did not blame the authorities—he adduced it only as an instance of the lengths to which the people of Ireland were prepared to go in their resistance to tithes; to show that, even in the noon-day, they would have the recklessness to attack the King's troops, and rush, open-eyed, on destruction, before they would submit longer to that impost. He admitted, that the people were decidedly in the wrong; but he would ask, whether any speech made in that House could have the effect of managing a people actuated by such a spirit? No; they must first search out the evils which existed, and then try to root it out altogether. The fact was, that Ireland was at this moment suffering under centuries of misrule; and after having been once given to understand, that they were to be called on for no more tithes, they had now—erroneously, he admitted—determined to resist them, even to death! But surely they ought not to punish Ireland for such misconduct. He would say to them, in the language of the poet—

> "Be to her faults a little blind,
> Be to her virtues ever kind,"

when an opportunity of being so presented itself. All the valuations hitherto made, had been both inaccurately and unfairly taken. In the first place, the persons selected for commissioners were, with very few exceptions, totally unfit for the duty; and, in the second place, the averages which formed the basis of their calculations were unfairly taken, representing, in fact, any thing but the average amount of the tithe paid. They were struck from what was agreed to be paid, and not from what was actually paid, and the composition, in consequence, it could not fail being apparent, was most unfavourable to the payer. But that was not all; for when the present right hon. Secretary for the Colonies came forward with his Tithe Bill, not content with the unfair calculation of the commissioners, the right hon. Gentleman cited no less than nineteen supposititious cases of non or partial payment of tithe, in order that he might fix the scale of composition at even a still higher rate than the Commissioners suggested. One case was, where tithe had not been paid for a period of fifty years. [Mr. *Stanley*:—But the claim was admitted.] Who admitted it? The Government Commissioners. And who admitted it to them?—The sexton or clerk of some parish. It was perfectly absurd to say, that if any claim existed, no payment would have been enforced for a period of fifty years. In fact, so far from the nineteen cases which the right hon. Gentleman cited being nineteen reasons for adding to the scale of composition, they were nineteen reasons for going to an entirely new and different investigation. The Irish people only sought for justice, and it was idle to think of conciliating them while they had reason to think it was withheld from them. Sir John Davis had truly said, in his report, there were no greater lovers of justice than the Irish people, a compliment which, if devoid of truth—which he was far from saying it was—at all events, possessed the charm of novelty. Let the Government but come forward, and show a determination to act with justice towards the people of Ireland, and they might rely on it that, before twelve months expired, peace and tranquillity would be restored to that, at present, wretched country. What he asked for was, an entirely new tithe valuation. He was, in short, in the character of an advocate, applying for a new trial on the part of the people of Ireland. It might cost the country some 20, 30, or 40,000*l.*; but if, as he was confident it would, that sum secured harmony and peace for many years to come, was there a man in that House, nay, would even the economical Member for Middlesex think of objecting to the outlay of so much money for such a desirable purpose? The first thing he had to ask of the House was, that the Bill should be suspended for a time, and taken back to the office from which it emanated, and that its provisions should be submitted to the consideration of the people of Ireland. Perhaps there was about him (Mr. O'Connell), that which would prevent the Government from consulting him on the subject; but, should they feel disposed to pass over, even for the time, the fact of his being their opponent—he would say, their sometimes rash and inconsiderate opponent—on many questions, he was ready to cast from his breast every feeling of anger, hostility, and vexation, and with all possible calmness, and, if necessary, with the "bated breath and whispering humbleness" of a beggar, to offer his best suggestions as to the description of bill which was most likely to give general satisfaction to the Irish people. The Irish people, he repeated, sought but justice; and if that was withheld, not only would they carry a repeal of the Union, but effect a separation between the two countries. Were the Irish people to be told, that justice should be dealt out to Scotland, that justice was to be dealt out to England, but that to Ireland no justice was to be extended?—that she was to be ruled with a rod of iron?—and were they, after that, to turn round and expect to find the Irish people happy and contented, and to express their surprise, that deeds of desperation were committed? One word with reference to the Bill itself. How could the House expect such a Bill to allay disturbances, when, instead of removing the cause of those disturbances, it held out the prospect of a constant continuance of the same burthens. The burthens were shifted, but they still pressed on the shoulders of the people. There were the same burthens—there was the same allocation—in short, all the ingredients of the evils which they sought to remove, were to be retained. So long as these were continued, it was in vain to expect any pacification—so long as these continued, it was in vain to expect to check the demand for Repeal; if these were continued, they might expect, that the demand for Repeal would rapidly increase, even unto a demand of separation. What, then, it might be said, did he propose? Did he propose, that the landlords should get any part of the public property? On the contrary, he thought, that the landlords were bound to make some sacrifices for the pacification of Ireland. You now propose to take the fifth of this property from the Church, and give it to the landlords by way of purchasing their consent to the measure. He saw no very great difficulty in entirely abolishing this compulsory payment. First, they themselves had admitted the principle of taking one-fifth from the Church. Then to provide for another fifth; would this country, he should like to know, refuse to come forward with an advance of a second fifth of 120,000*l.* a-year dead weight, diminishing annually. Would England—would that House consider this too great a sum to give, to pacify Ireland. You gave 2,000,000*l.* to the chartered schools. Was the pacification of Ireland of less importance? You gave 1,300,000*l.* to the King's army in Ireland, exclusive of police. Would that be necessary, if the war against tithes were extinguished in Ireland? Who would object to it? No one; not even the hon. member for Middlesex himself; and if any over captious economist were to call the grant into question, what a triumphant answer would that Minister have, who could rise and say, "True, I have given 120,000*l.*; but —I have pacified Ireland." He forgot to add the grant of 20,000,000*l.* for the negroes. Of course, he had not the vanity to compare Irishmen with negroes; but the nation which refused not 20,000,000*l.* to strike off the chains of West-Indian slavery, could not refuse 120,000*l.* to restore peace to Ireland. The third fifth he would charge on the inheritance of the land, as a debt, paying 5*l.* per cent interest, where the landlord would not buy it up. There would be no difficulty in this, and even tenancies in tail would not stand in the way of such an arrangement. The remaining two-fifths he would lay on the land, with a power of redemption at twenty years' purchase. This was his plan; and if the clergy gave up one-fifth, there would certainly be enough left in the remaining four-fifths for every possible purpose to which the ecclesiastical revenues of Ireland could be legitimately devoted, whilst it would take from the people all sense of the burthen. On the contrary, the effect of the present Bill would be merely to put the landlord into the heart of the Agrarian war in which the clergyman was now engaged. Every man who had attended to the ominous aspect of affairs in Ireland, must have observed how nearly the Agrarian disturbers in that country had approached the refusal to pay rent as well as tithe. Hitherto, it was probable, that the numbers of tenants and peasantry interested in the land had prevented the adoption of any such determination; but it was matter of serious consideration for the House; for, in his opinion, the moment they mixed up tithe with rent, that moment the rent of the landlord would become as unsafe as the tithe of the tithe-owner. In respect of the tithes to estates, this Act would be of serious importance; for as Crown debts instituted in Ireland a species of Statute staple bringing the real estate, there would not, in the course of three years, be any estate in Ireland, the title to which any lawyer could pronounce to be safe. As far as the landlords were concerned, the Bill would be ruin to them, for it would come into operation just as the Agrarian war had, of its own accord, come to their door; and would supply the last, and perhaps only motive required to carry it into their quarters. Once more he intreated the House to look to his proposition. He did not propose to attack vested rights; on the contrary, he would preserve to every incumbent his full advantages and emoluments. But, after the decease of all existing incumbents, he thought some alterations might with fairness and justice be made. For instance, in parishes where there was no Protestant, he thought, no Protestant clergyman ought to be paid. In that case, his hon. friend, the member for Roscommon, would wholly escape. Nor was the case of his parish a singular one. Wherever as many as one-fourth of the inhabitants were Protestants, there he would not object to continue the emoluments to Protestant clergymen as fully as they enjoyed them now. This he thought most moderate. Why, if it were proposed in England, that in every district, one-fourth of which were Dissenters, the whole inhabitants should pay for the support of the Church, of that minority of a fourth there would instantly be a mutiny; but he would engage, that the people of Ireland, from the Giant's Causeway to Cape Clear, would, with one accord, ratify his proposition. Of course, as these items fell in, they would relieve the dead weight. But it might not be unwise to seek some new allocation; and if part of it were bestowed for charitable purposes, he did not think it would be a perversion of the fund. And when upon works of charity, he would suggest—mind he asked not for it—but if they were equally desirous with himself to conciliate Ireland, he would suggest, whether any thing would tend more to facilitate that great object, than some trifling provision, as by the purchase of small glebes for the ministers of that religion to which they were devotedly and fervently attached. Let him not be mistaken. This was not made by authority—it was a mere suggestion of his own—it might even cost him a loss of popularity; but there was no popularity he was not ready to sacrifice for the pacification and advantage of his native land. He had spoken at greater length than he intended, and he hoped that he had succeeded, as he was anxious to do, in avoiding all topics of irritation. He had shown, he knew, some irritability in the early part of the evening. He was sorry for it. He deeply, deeply regretted it. Nothing was further from his wishes than to bring any feeling of pique or indignation into his conduct on such an occasion as the present; and most solemnly and sincerely he assured the House, that if he had an enemy on earth, he would press him to his heart, if he would only join with him in securing the pacification of his wretched country. When he looked back to the history of that country for the last seventy-four years—when he contemplated the effects of the *bellum plusquam civile* by which the country had been during that period disturbed—when he called to mind the innumerable occasions on which the sanguinary laws and cruel government of that country, had caused the tears of the widowed and the fatherless to flow—when he saw that land, which nature had so eminently gifted, become the object of pity and reproach, could he, as a man, as a Christian, as an Irishman, refrain from endeavouring, by every means in his power, to secure her a little peace and repose? Why was Ireland still disturbed, still unsatisfied? Because Government would not apply to that country the simple plan by which Scotland was in former times pacified. The present Bill, he felt called upon to oppose; but, he did so, he assured the House, from no feelings of hostility to those with whom it originated. Let the Government show themselves desirous of pacifying Ireland by introducing some measure, not liable to the objection under which the present Bill laboured, and he pledged himself that they should meet with his most cordial support.

Mr. *Shaw* said, that before he replied to the observations of the hon. and learned Gentleman, he would shortly state the reason of the vote he meant to give. He objected strongly to many of the provisions of the Bill; he thought them unreasonable, and unjust to the clergy of Ireland; they deducted nominally one-fifth from their income; but if those provisions were not modified or altered in Committee, the real deduction would be nearly one-half. In the first place, it was made upon an already reduced income; in all cases—or, at least, nineteen out of twenty—where voluntary compositions had been entered into, the clergy had made large abatements from their just demands, in order to ensure certainty and facility, as they were then led to suppose, in the collection of their incomes. But, from that reduced income, the further reduction of twenty per cent was now to be made. Then, on an investment in land, the rate of purchase would be very different from that on which the clergy were forced to sell; and, besides, they would become liable to all the costs, charges, and contingencies incident to landed property, and subject, after any change of incumbency, to the heavy tax imposed by the Church Temporalities' Act; and if the money was not invested in land, in that case, after two years, the clergy would receive but 3½ per cent. Those were details, however, which could be more properly dwelt upon in Committee; and the principle, or what professed to be the principle, of the Bill he would not oppose,—a commutation of tithe to a charge on land, and to shift the burthen of that charge from the occupying tenant to the landed proprietor. The only reasonable objection to tithe was, that it fluctuated with the produce of the land, and might, in that respect, be regarded as an impediment to the progress of tillage, and other agricultural improvement. To the extent, therefore, of making it a fixed charge, he was ready to go; and, as every tax on land must be eventually paid by the persons beneficially interested in the land, he preferred that being done directly and nominally which was done virtually, though indirectly. The arguments against this principle, employed by hon. Members who had spoken against the Bill, it was very difficult to meet. They were shortly—that might had prevailed over right—that the law had been put down by unlawful combination—that, therefore, it was in vain to refer either to reason or to justice. The hon. and learned Gentleman (Mr. O'Connell) said, that tithes had been the fruitful source of crime in Ireland for seventy-four years, and before any of the present agitators were born; and he (Mr. Shaw) was ready to admit that, for that length of time Ireland had been in an unquiet and unsettled state, evincing itself in opposition to tithe, as well as to every other legal right,—the people led on by interested agitators being generally arrayed against the law and the Government of the country; for though the hon. and learned Gentleman was well entitled to the merit, and he (Mr. Shaw) was ready to concede it to him, of being the prime agitator of his own day; yet there had been agitators before him; however, to come nearer to the present time, the hon. and learned Gentleman had spoken of a period when another party joined the mob and the agitators: he (Mr. Shaw) meant the present Government, in 1830. They found the assistance of agitation convenient to promote the objects they (the Government) had in view; and then grew up that organised and systematic opposition to the payment of tithe, which the Tithe-Committee reported must threaten the whole frame of society, if permitted to triumph over the provisions of the law. The measure of 1832 for advancing 60,000*l.* to the clergy, and which the hon. and learned Gentleman taunts the right hon. Gentleman (Mr. Stanley) with introducing, in order to vindicate the law, and under which, he says, it cost the Government 25,000*l.* to collect 12,000*l.*, failed to that extent, for this obvious reason, that it provided no costs should be paid by any party, no matter how vexatious or unfounded their resistance to the demands of the clergy, thereby holding out the plainest bounty to litigation, and which had its full effect. Notwithstanding that, however, when the Government began to experience the truth of the further observation of the Tithe Committee, how small the step was from successful resistance to tithe to a resistance to all law and every right, they resorted to strong and decided measures to enforce its payment; they were on the very point of being successful; many had come in to pay their tithe, and, almost universally, the people were preparing to do so, when, in that spirit of weakness and vacillation which had characterized every measure of the present Government in Ireland, the noble Lord (Lord Althorp), after all the mischief of a stretch of power had been done, and nothing remained but to reap the benefit, declared in that House, that no more tithe should be collected; and from that moment the unlawful combination against it took deeper root than ever. All who were about to pay, of course held back, and even those who had paid had the effrontery to demand a return of their money from the clergy; and the conduct of the noble Lord led to the Bill miscalled the Relief Bill of last Session; the Bill which the hon. and learned member for the city of Dublin accused him of advising the clergy not to act under. He at once admitted the charge. He was not in the habit of saying one thing in that House and another out of it. The hon. and learned Gentleman might have heard him, in his place, on the second reading of that Bill, denounce it as the most unjust towards the Church, and the most subversive of the dominion of the law, and all the rights of property, that had ever been introduced. He, of course, said the same out of the House, and did advise the clergy not to accept the treacherous aid it proposed to them; he was only sorry that more had not followed his advice. Yet he emphatically denied one part of the charge of the hon. Gentleman,—namely, that he had recommended the clergy to exact the last shilling due to them; he had done the very reverse, and recommended them to remit to the people who acknowledged their claim, even more than the Bill required,—but not to acquiesce in a measure which recited that it was inexpedient to collect tithe, and virtually yielded the rights of the clergy to the lawless combination against them. He acted upon a principle, of which he would give even the hon. and learned Member the benefit; and if the same unlawful combination was formed to prevent the payment of what is commonly called his tribute—say by the Orangemen of Ireland,—he would resist their interference by unlawful means against even that voluntary payment. He owned that he was not one of those who, differing widely as he did from the hon. and learned Gentleman, thought that, considering the views of those who paid that tribute, they at all overrated, in point of money, the talents, the activity, and, above all, the powers of doing mischief of the hon. and learned Gentleman. What was the present plan of the hon. Gentleman as to the fifth of the tithe being paid by the Government? No doubt he (Mr. O'Connell) would willingly agree to that; but then did not all the objections he urged equally apply to the remainder, and would not he equally agitate against its continuance? The hon. and learned Gentleman had, however, in another part of his speech, at last opened to the House his real object:—"You gave," he said, "to Scotland the church of her choice and of the majority of her people,—try the Scotch experiment with Ireland." Well then—in spite of oaths and declarations—it was come to the open avowal, that the Established Church was to be abolished, and the Roman Catholic substituted for it in Ireland. Were the English people prepared for this? Would the Protestants of Ireland bear it? He had often been astonished at the flimsy subterfuge of the hon. and learned Gentleman, when he told them that tithes and endowments were not religion. He (Mr. Shaw) well knew that they were not religion, and that in that sense the hon. and learned Member could neither subvert the Church, nor weaken or disturb true religion; but they were the very things which constituted the Established Church and the established religion, as connected with the State, which the hon. and learned Member, on his admission to Parliament, had solemnly declared and swore that he would not attempt "to subvert," nor exercise any privilege to which he became entitled, to "disturb or weaken." As to the hon. and learned Member's cant of kindness about the present incumbents, he paid it not the least regard. "No," said the hon. and learned Gentleman, "if the Church is to be spoliated—if that act of great injustice is to be done, let it be without disguise, openly, and in the face of day; let not the appearance of fairness be put upon confiscation,—let not the covering of justice be thrown over the violation of all right; stab not the lasting interests of the Church from under the cloak of affected consideration for her present ministers; they would spurn the bribe offered them to betray the sacred trust committed to their charge. It would be but the highwayman who robbed the traveller of all that he possessed, handing him back a few shillings to pay for his night's lodging. If the Irish branch of the Established Church is to be sacrificed at the shrine of agitation, her poorest incumbents will not be the persons to officiate at the ceremony. They will make common cause with that venerable institution, to which they are not more attached by duty than devoted in affection. Is it possible that the House can be deceived by the affected tone of conciliation of the hon. and learned Gentleman? He has played the same game within the last week, with himself and the hon. friends who were then about him (Mr. Shaw). The Repeal of the Union was then the immediate object of his wishes; his language to the House was, 'have nothing to do with those deceitful Whigs; a Government that is only playing one party in Ireland against the other;—cast off those haughty Sassanachs;—let us be united, and Ireland will be a nation again.'" Now the destruction of the Church was the question, he opened his arms to the same Government; apologised for his heat and indiscretion in the early part of the evening; offered the right hand of his affection to the right hon. Secretary of the Colonies, nay, in very attitude would clasp him to his breast. But, above all things, the hon. and learned Member cautioned the Government against any contest with the hon. member for the University of Dublin and his friends; they were ungrateful, overbearing, dominant spirits, that would rule the Government with a rod of iron. He hoped the hon. and learned Gentleman was persuading himself for the moment that what he said was true. This habit was constitutional; and he conceived all means were justifiable, so they tended to promote the object of his immediate desire; but of this he (Mr. Shaw) was quite sure, that had they joined him in the Repeal of the Union, he would have made them instruments for the destruction of their own Church; and that if the Government were to cooperate with him for the destruction of the Church, the hon. and learned Member would use them as tools for promoting the Repeal of the Union. The hon. and learned Member concluded by saying, that while he voted for the second reading of the Bill, he reserved to himself the full right to canvass all its provisions in Committee; and if such alterations or modifications as he thought necessary were not adopted, to vote against it on the third reading.

Mr. Secretary *Stanley* was anxious to say a few words, because he, in common with other hon. Members, was struck with the tone and manner in which the hon. and learned member for Dublin had made the observations which he had submitted to the House. For that tone, and for that manner he (Mr. Stanley), as an individual member of that House, and as one who, whatever the hon. and learned Member might suppose, took no little interest in the welfare of Ireland, returned the hon. and learned Member his best thanks. "I say, continued the right hon. Gentleman, and I say it with the utmost sincerity, that if the hon. and learned Gentleman will, not only here, but in all other places, follow up the same mild and candid mode of argument which he has this night adopted—not only will he never hear from me one word of political acrimony, but he will also materially advance the object which I believe him to have at heart—the interest of his own country. I differ from him, however, so widely upon the merits of his proposition, that not even the eloquent speech which he has just delivered — a speech which I must say, surpasses all the eloquent speeches which he has yet delivered in this House—can induce me to accede to it for a single moment. The hon. and learned Gentleman says, that for the last seventy-four years the tithe system has been the source of calamity and bloodshed to Ireland. I agree with him fully, that to the tithe system may be traced much of the blood and misery of Ireland. It is no new opinion of mine, it is one which I have expressed over and over again in this House. The tithe system is the curse of Ireland, which I have laboured long and earnestly to remove. The hon. and learned Gentleman says, that all the plans which have hitherto been tried to remove the evils of the existing system have been abortive; and he therefore proposes one himself, which, but for the last part of it in which I cannot concur, differs so little from the system now proposed by my right hon. friend, as to hold out upon the hon. and learned Gentleman's principle, but small prospects of pacification. The hon. and learned Gentleman tells us that the composition under the last act was considered a voluntary act. Now, I scarcely comprehend what the hon. and learned Gentleman means by that expression; for the composition cannot be carried into effect, in any case, without the consent of the clergyman on one side, and of the parishioners on the other. The hon. and learned Gentleman then proceeds to tell us that under the existing composition, the amount is unreasonably high, because it was assessed under a strong delusion on the part of the people. The hon. and learned Gentleman knows well, that this is to me a tempting subject; but as a proof of the unqualified approbation which I feel for the tone in which the hon. and learned Gentleman has this night spoken, I will not say a single word on the inducements true or false, which were held out to prevent the people from attending before the Commissioners. I will even go further than this—I will say, that if I could see in his plan any prospect of final arrangement, any hope of either the immediate or the ultimate pacification of Ireland, I would cease to look back, I would forget all past agitations, I would gladly close with the hon. and learned Gentleman, and I would say to him, "If, under any accident, or delusion, or misguidance—call it what you will—the parties who had to pay tithes, and who ought to have attended at a certain period, failed to attend,—let there be a *locus pœnitentiæ* given to them —let them have time for a re-consideration, and we will not inquire why the valuation, if it was not correctly made, was incorrectly taken at a former period." The right hon. Secretary then proceeded to ask the House, whether the project of the hon. and learned Gentleman contained a fair prospect of pacifying Ireland; and whether it was possible to amalgamate his project with the present Bill? The hon. and learned Gentleman was content, in the first instance, to throw overboard the proposition for equalizing the Land-tax over Ireland; and in the next, to throw overboard the proposition for equalizing the poundage or rent in one parish with the poundage or rent in another. He was also content to take the composition, subject to those alterations which the local circumstances of each district justified, as the basis of the new payment by the Irish people. The hon. and learned Gentleman says, "I shall deduct one-fifth from the present income of your clergy, according to the arrangement of the present Bill." Undoubtedly the Bill did propose such an arrangement. To that extent, then, the hon. and learned Gentleman and himself were agreed; that, for the sake of the security, the tranquillity, and the future welfare of Ireland, such a sacrifice on the part of the Church to the State is not unadvisable. But, when the hon. and learned Gentleman said, "I must have another fifth out of the public revenues of the empire to diminish the burthen to be paid by the people of Ireland," he was putting forth a claim on behalf of the tenants and landlords of Ireland, which neither of them had a right to make upon Great Britain, either in reason or equity. Let him not be misunderstood; he did not mean to say, that even to this extent of sacrifice, if the ultimate effect would be the pacification of Ireland, this great country would not be induced to accede. Let him, however, follow the hon. and learned member for Dublin through the various topics of his speech; and let him compare the proposition of the hon. and learned Gentleman with that which was brought forward in the Bill of his right hon. friend, the Secretary for Ireland. His right hon. friend proposed to deal with four-fifths of the tithe, by charging it now on the party occupying the land which paid it, and prospectively on the landlord, and by giving him the power of redeeming that charge by a fixed payment on the annual rent. Now, what was the proposition of the hon. and learned member for Dublin? He said, "Let the loss be borne thus:—one-fifth by the clergyman, one-fifth by the Crown; and let the other three-fifths be thus apportioned—one-fifth by the landlord, and two-fifths by the occupying tenant."

Mr. *O'Connell* was understood to say, in explanation, that one-fifth was to fall immediately on the landlord, and two-fifths were to fall on the land, to be levied on the occupier.

Mr. *Stanley*: If such were the case, where then was the prospect of the pacification of Ireland? The hon. and learned Gentleman had told them over and over again, that it was not the amount of tithes to which the people of Ireland objected, but to the objects to which that amount when paid was applied. [Mr. *Sheil*, "That's the whole case."] The hon. and learned Member said "that was the whole case." He admitted that it was so; but if so, why all this distinction about what was to be done with the two-fifths and the three-fifths? If the objection of the people of Ireland went not to the amount but to the principle of the payment for tithe, why should the House suffer itself to be deluded by this new scheme? That scheme was objectionable, because it multiplied the number of paymasters to the Church, without facilitating the means of collecting the payment. It left all the difficulties as at present—and let the blood be shed for the two-fifths which was shed for the whole amount of tithe under the present system. Recollecting this, he must observe, that the proposal of the hon. and learned Gentleman was a fallacy, and nothing more than a fallacy. It relieved the landlord of forty per cent, on the whole amount of tithe, and of sixty per cent where he was both landowner and occupier; and for the levying of the rest, it left the tithe-owner exposed to all the odium to which he was exposed now, with this addition to it—that he had to levy from a larger number of persons a smaller sum. "But," said an hon. Gentleman, "this renders the parties more ready to pay." How was this, he asked, to be reconciled with the hon. and learned Gentleman's declaration, that it was not to the amount of the tithe that objection was taken? Did the hon. and learned Gentleman mean to say, that the clergyman would have greater facility in collecting 5*s.* hereafter, than he had in collecting 10*s.* now? Not a whit. Did the hon. and learned Gentleman — did any of his supporters — mean to say, that tithes were at present on an unreasonable footing in Ireland? No man could say that; for it appeared upon unimpeachable evidence, that tithe did not amount to more than one-sixteenth part of the rent in Ireland. Would the hon. and learned Gentleman say, that by reducing the tithe to one-thirty-second instead of one-sixteenth part of the rent it would be paid more readily in Ireland? The question really was, as the hon. and learned member for Tipperary had shortly put it, "will you maintain or will you abandon the Church Establishment in Ireland?" Into that question he would not enter at that moment; he would not even argue the appropriation question, for the Bill left it completely open to the future consideration of Parliament, only providing in the interim a system for its collection more equitable, more safe, and more conciliatory than the present. He preferred this Bill, modified as it might hereafter be in its details, to any project, however plausible, which held out no rational prospect of the future pacification of Ireland, which decided no question but the allocation, which he would not argue then, because it must be more seriously discussed on some future occasion by Parliament. He had given this answer to the statement of the hon. and learned member for Dublin, under the influence of no ill feeling towards him individually; on the contrary, he had no other feeling than that of sincere gratification at the manner in which the hon. and learned Gentleman had stated his opinions, and of earnest desire, that, for the sake of himself and his country, he would continue to preserve the same tone and temper which he had that night exhibited — a tone and temper which would be reciprocated by all who heard him in that House, and which would add still greater distinction to his Parliamentary career than any which he had yet acquired, of which no man was more ready to admit the brilliance than the individual who was then addressing them.

Mr. *Cutlar Fergusson* said, that if the plan of the hon. and learned member for Dublin would settle this question for ever, he would not say that he would object to paying one-fifth of this burthen from the public funds of the empire, though upon principle he objected to taxing the people of England and Scotland for the benefit of the people of Ireland. After what had passed that night, he trusted that the hon. and learned Gentleman would not, on any future occasion, state that the affairs of Ireland were neglected in that House. He contended that, on the present occasion, the House had nothing to do with the appropriation of the tithes. The House was bound, however, to protect the fund to be derived from them, whether that fund was to be appropriated hereafter to the Protestant Church or to the Roman Catholic Church in conjunction with the Protestant Church, or to the general purposes of the country at large. Ireland was interested in having that fund preserved, and it could not be better preserved than by fixing it as a land-tax on Ireland. Though he intended voting for the second reading of this Bill, there was one point connected with it, on the expediency of which he entertained some doubt. He doubted whether the House should invest the funds intended for the future support of the clergy in land, and his doubts were founded on the unthrifty management which had been the lot of the Bishops' lands universally in Ireland. He hoped, therefore, that this part of the Bill would be well considered in the Committee. He also trusted, that Parliament would, at no distant day, consider whether the enormous endowments of the Church of Ireland, so disproportionate to the amount of the Protestant population, ought to be continued.

Lord *John Russell* said, that the able and eloquent speech of the hon. and learned member for Dublin had made so deep an impression upon him, as he was sure also it made generally upon the House, that he could not refrain from making a few observations on that occasion. If the hon. and learned Gentleman would always address the House with the same temper and moderation, he would find the House not only ready, but anxious, to pay the same attention to the grievances of Ireland that it now paid to the grievances of England or of Scotland. He hoped the hon. and learned member would not, in future, take advantage of accidental occurrences, in themselves really insignificant, and draw from them the rash inference, that there existed, on the part of the House, an intention to disregard Irish feelings or Irish interests. On the subject of tithes two distinct questions presented themselves to their notice—the one was as to the amount, and the other as to the appropriation. With regard to the amount, Ireland had certainly no great right to complain. On a former occasion, a statement was made from one of the Tithe Reports, by which it appeared, that in some parishes in Ireland the tithes were one-twentieth, and that the largest amount was about one-twelfth of the rent. It so happened, that some of his constituents in Devonshire had petitioned that House, that their tithe might be fixed in future, at one-tenth of the rent; so that in England, it was considered by some Gentlemen unreasonable for men to desire that their tithes should not be more than one-tenth of the rent; when the very highest amount paid in Ireland was one-twelfth. That cases existed in Ireland in which the tithe fixed under the Compulsory Composition Act was very high, could not be doubted; but, generally speaking, the amount was very moderate, as compared to England. With respect to the proposition of the hon. and learned Member, that one-fifth of the composition should be paid out of the public revenue, he was quite certain that this contribution of the nation would be entirely thrown away, unless some new principle were established by Parliament with regard to appropriation. Upon the subject of appropriation, the hon. and learned member for Tipperary alluded the other night to an opinion which he (Lord John Russell) gave when out of office, which, the hon. and learned Member said, was contrary to the opinion he had since given when in office. But the only opinion he had ever given on this subject when out of office was, by giving a silent vote in favour of a Motion made by the hon. member for Middlesex. He did not understand that this Bill contained any proposition on that subject. As he understood it, the object of this Bill was, to ascertain and secure the amount of the tithe. The question of appropriation was to be kept entirely distinct. If the object of the Bill were to grant a certain sum to the Established Church of Ireland, and the question were to end there, his opinion of it might be very different. But he understood it to be a Bill to secure a certain amount of property and revenue, destined by the State to religious and charitable purposes; and if the State should find, that it was not appropriated justly to the purposes of religious and moral instruction, for which such revenues were intended, when given to any Church Establishment, it would then be the duty of Parliament to consider of a different appropriation. His opinion upon that subject was declared — not when out of office, but when in office,—and that opinion was, that the revenues of the Church of Ireland were larger than necessary for the religious and moral instruction of the persons belonging to that Church, and for the stability of the Church itself. The more he had seen and reflected since, the more had that opinion been confirmed. He did not think it would be advisable or wise to mix the question of appropriation with the question of amount of the revenues; but when Parliament had vindicated the property in tithes, he should then be prepared to assert his opinion with regard to their appropriation; and if, when the revenue was once secured, the assertion of that opinion should lead him to differ and separate from those with whom he was united by political connexion, and for whom he entertained the deepest private affection, he should feel much regret; yet, considering himself pledged, not only by his general duty as a Member of that House, but by the Resolution which had been passed the other day, to attend to the just complaints of the people of Ireland—and considering, that if there ever were a just ground of complaint on the part of any people against any grievance, it was the complaint of the people of Ireland against the present appropriation of tithes—he should then, deeply lamenting the decision he should feel himself bound to come to, but at the same time reflecting, that he had, to the utmost of his power resisted all projects for the Repeal of the Union, and that he had by the support he gave to this and former Bills for the maintenance of Tithes, vindicated the right of property against those who wrongfully withheld them, he should, at whatever cost and sacrifice, do what he should consider his bounden duty; namely, do justice to Ireland.

Sir *Francis Burdett* said, that, in the tone of the debate, and in the disposition manifested on each side of the House, both on the Ministerial bench, and amongst Irish Members, he thought he saw, for the first time, a glimpse of hope of removing what had been so long rankling in the minds of the Irish people, and of making that union, so important in other respects, a source of strength and happiness to both countries. This object appeared to be of such magnitude that all other subjects and details shrunk into utter insignificance. He was prepared to make as great a sacrifice, in a spirit of justice or of generosity, as any Irish Member, for he felt it was both politic and wise in this country to carry this object into complete effect. He felt strongly upon this subject, for from an early period of life, he had been deeply, though perhaps not prudently, implicated in it; but it was a subject which was calculated to drive a wise man mad. But he admitted, that he felt then not as an Englishman, except as desiring to promote the good of his fellow subjects. He rejoiced at the feeling tone which had been employed, as this was a subject which had kept Ireland in a ferment at all times, as the great grievance of a large proportion of the population of Ireland, and if arranged at an early period, all heartburnings and discontent would have been prevented. The attempt at conciliation which had been made by the hon. and learned member for Dublin might, if the question of tithes was placed on a satisfactory ground to the Irish people, effect an adjustment of the question of the Union; but if this opportunity were not taken, it might be lost for ever. Where there were differences between the right hon. the Secretary for the Colonies and the hon. and learned Gentleman as to details, they might be settled in the Committee; and if all parties came into the Committee with the same spirit which had been shown in this debate, there was a prospect of placing the two countries in harmony together. He should, of course, agree to carrying the Bill into Committee, and he trusted the prospect of reconciliation and conciliation which had appeared to-night would there be realized.

Major *Beauclerk* was glad to hear the speech of the noble Lord (the Paymaster of the Forces), which would pour more oil into the wounds of Ireland than any speech made in that House. The question between the two countries was, what was to be the appropriation of the tithe? Was it to be continued to the Protestant clergy? If so, he should give every opposition in his power to the Bill, and he did not think that Irish gentlemen would be so base as to pay for the support of a Church establishment which was opposed to the faith of the great body of the people. He must, in spite of the noise which was making in the House also congratulate the House and the hon. Baronet, the member for Westminster, on his enlightened speech.

Mr. *Barron* also thought, that what had fallen from the noble Lord would do more good in Ireland than all the Acts of Parliament which had been passed for years. The people of Ireland, he believed, would not seek a separation, but they were sick of demanding justice which was always refused. The speech of the noble Lord, however, would gain millions of hearts in that country. He did not advocate the separate interests of the landlords; he did not wish that one shilling should go into their pockets. All he asked was first, to settle the tithe upon an equitable principle, and secondly, when settled as to amount, that there should be a fair and equitable adjustment of the mode in which it should be distributed for useful public purposes.

Mr. *David Roche* hoped, that, as he seldom troubled the House, hon. Members would allow him a few moments on a question of such consequence to the peace and tranquillity of Ireland, and especially to the part of Ireland that he came from, which had been so lately the scene of such a deplorable conflict on the subject of tithes. He had deemed it his duty, during the Easter recess, to lay the right hon. Secretary's Bill before his constituents and he was fortunate enough to find both the grand juries of the county and city of Limerick assembled, to whom he submitted the Bill now before the House. He assured the right hon. Secretary for Ireland that both those bodies were unanimous in their opinion that such an enactment would not produce the tranquillity of the country, and that, as landlords, they declared they would not on such terms mix up tithes under any name whatever with their rents. He assured the House that he entered into the subject with the most anxious and sincere desire to afford his Majesty's Government every information in his power as to what would be likely to conduce to a permanent and peaceable arrangement of this difficult subject, and he went the length of proposing to the grand juries which he had the honour of attending, a plan which differed in no respect from that of his hon. and learned friend the member for Dublin, as far as securing the tithe property of Ireland as a public fund. To that proposition he found the most ready acquiescence, and he was convinced that if the landlords of Ireland, much as they had been traduced, were to obtain their tithes at the rate of three-fifths of the composition, and placed it as a land-tax on their estates, that, so far from taking advantage of the clause enabling them to charge their tenants two-fifths, as proposed, very few would do so, but would relieve the occupying tenant altogether from the payment of this impost. Having obtained the opinion of those gentlemen, having also consulted the other resident landed proprietors that he had it in his power to communicate with, both in his own county, and in the counties of Clare and Kerry, and having submitted to their consideration the plan, of all parties making a sacrifice for the public tranquillity, he deemed it his duty to consult the Roman Catholic clergy of his acquaintance, and from those reverend gentlemen he received communications highly approving of the proposal—the Roman Catholic Bishop of Limerick, the Dean, and all the parochial clergy of his part of the country expressed the most decided opinion in favour of the plan; but he was bound to say, that although as an arrangement for the payment of tithe it gave great satisfaction, yet the allocation of the fund was also a most material point, and it would be a want of candour in him not to state, that to produce a full measure of gratification to the country, it was absolutely necessary to make that a part of the Bill. If, however, his Majesty's Government would not, or could not, on the present occasion, grant to Ireland the whole of her just expectations, still, he hoped that their measure of relief would come as near the proposal of his hon. and learned friend the member for Dublin, as possible. The giving satisfaction to the great body of the working farmers, by relieving them from sixty per cent of the composition would leave them so little to pay, that he was quite convinced no further difficulty would arise on their part. He felt assured that his Majesty's Government must be as well aware as he was of the necessity of not maintaining at the public expense a sinecure church, in parishes where there were no communicants, and the proposed arrangement of his hon. and learned friend the member for Dublin was so reasonable, so just, and so temperate, that he trusted his Majesty's Government would even still make it part of their Bill. With regard to the sacrifice which he admitted he was asking to be made from the public treasury, he asked it to procure peace and tranquillity in Ireland, and to save this country a much larger expense in enforcing the provisions of the present Bill, which, if followed up, he was sure must end in a most deplorable civil war in his country; but was there no precedent for the grant. Was not twenty millions given last year by this House to the West Indians?—and was not the Protestant Church as unjustly forced on Ireland as slavery was in those Colonies? To him it appeared, that there was as good a ground to ask this sacrifice as there was to make that to which he had just alluded, but it was said that the lands were held by the landlords of Ireland, subject to this charge, and therefore they ought to get no relief. Were not the lands of England held by the proprietors subject to Church-rates, and to all the charges for building and maintaining the edifice of the Established Church?—and yet is there not at this moment a proposal from his Majesty's Government to this House, to release the lands of England subject to the vestry-tax, to the extent of 250,000*l.* per year, out of the Consolidated Fund? He thought he had made out a case which demanded at least equal justice for Ireland, and he hoped it would meet with the consideration of his Majesty's Government. He thanked the House for the kindness with which they had heard him, and in conclusion he felt a hope, from the temper and course of this debate, that a happy and amicable adjustment of this difficult subject might still be obtained.

Mr. *Littleton* would not trouble the House for more than two minutes. The hon. member for Limerick had urged the authority of the grand jury of Limerick against his (Mr. Littleton's) Bill; but it would appear that the grand jury were equally averse to the plan of the hon. Member. The immediate object of his

(Mr. Littleton's) Bill was, to provide for the extinction of tithes by their redemption. A strong objection he had to the proposition of the hon. and learned Member was, that he required a grant of the public money to complete his plan; and the proposal seemed more extraordinary as coming from a party who were loudest in their outcries against any grant to the Established Church. The next question was, who would benefit by the proposed alteration? Where the tenant had a long lease, he would reap the benefit; where a short lease was held by the tenant, the landlord would be the gainer. He did not feel it necessary to express his own opinions on the subject of appropriation; he had his own opinions of course, and when the proper time came, he should not shrink from the expression of them. When he brought forward this measure, he declared the sentiments which he had always entertained, that the appropriation of the revenues of the Church, when secured, was a fair object for Parliamentary interference. But the first point was the realization of these revenues—that of appropriation might afterwards be discussed. This was a view of the subject in which he felt justified in saying all the members of the Government concurred.

Mr. *Sheil* would only say three words. The right hon. Gentleman had said, he did not agree with the Paymaster of the Forces. Did he mean to censure a Cabinet Minister? [*"Oh, oh!" and cries of "Spoke."*] He had spoken on one question—this was another. "I insist on my right," the hon. and learned Gentleman continued, "and I am not to be pushed by an exclamation, from the ground on which I firmly, but respectfully, stand. I said that the right hon. Gentleman declared he did not agree with the Paymaster of the Forces, and now, if you please, cry "Oh" to that. Compare the exclamation with the fact. [*"Question."*] I am speaking to the question; I am speaking to a question that touches men's interests, men's feelings—that searches the heart of the Cabinet to its very core. I do entreat the House to put aside any feeling of disrelish they may entertain towards myself, and remember that I am an Irishman, and acting in the discharge of my duty." The hon. and learned Member proceeded to say, that a Cabinet Minister had come forward, and in the most solemn and deliberate manner had expressed his opinion respecting the appropriation of the revenues of the Church, which would be hailed with joy by the Irish people. Now, he would ask this question—did not the speech of the right hon. Gentleman present a most extraordinary contrast to the speech of the noble Lord? The opinion of the House might be, that he had no right to ask this question. The hon. Baronet, the member for Westminster, had congratulated the House on the sentiments to which the Government had given expression. Was he not to share in those congratulations? He desired a clear stage and no favour. Of what fault was he guilty? What crime had he committed, that he should be debarred from declaring his sentiments? But the people of Ireland would hear what that House refused to listen to. He had asked the question, and it would be for the Cabinet to answer it. One word more; this Bill, by one of its most essential clauses,—one which contained the very marrow of the question,—provided, that the money to be raised should be laid out in the purchase of land, to be conveyed for ever to the Irish Church. Would the noble Lord vote against this clause in the Committee, and thus ratify his pledge?

Lord *Althorp* said, that the hon. and learned Member who spoke last had certainly not spoken so much to the question as to the Cabinet. Before he, as one of the Ministers, answered his questions to the Cabinet, he would take occasion to notice some of the points in debate. The Bill now before the House was for the purpose of securing the revenues of the Church in Ireland to the clergy, which they were far from being secured in the possession of now. It was not the intention of Government to go any further at present than to secure these revenues. The Bill also provided for the redemption of the tax which was to be imposed on the land in lieu of tithes. He conceived that the first of these objects the Government was bound to effect, and nothing less than bound by their duty to do so. And, with respect to the second provision, he considered that the interests of Ireland were thereby consulted, and that it would prove ultimately highly beneficial to the people to be able to redeem the tithe tax at any future period. It had been stated in debate by an hon. Member, that the plan of the hon. member for

Dublin, as stated by him that night, was preferable to that of the Government. He concurred heartily in the praises which had been bestowed on the speech of the hon. and learned member for Dublin, and he concurred, also, with his right hon. friend and his noble friend, in thinking that, if the plan of the hon. member for Dublin could secure the peace of Ireland, the sacrifice which it would demand from the revenue of the empire would, comparatively speaking, be a trifling consideration. But, before he agreed in adopting the proposition of the hon. and learned Member, he must be perfectly assured that peace would ensue from its adoption. He feared that such would not be the case. He knew, that the collection of tithes caused the greatest strife in Ireland; and he knew, also, that the pretence for this resistance was, that the refusal to pay was not so much founded on the amount of the Tithes as on the principle of opposing the imposition of any such tax. But if otherwise—if this proposition would procure permanent, and not a temporary, peace to Ireland—he then should not have been averse to entertain it. If ever it should in future appear that the amount of tithes had been charged unfairly in any parishes, then he would allow, that a case had been made out; but as to the general proposal of the hon. member for Dublin, although his plan, too, contained a redemption scheme, yet as he saw no greater, nor so great a prospect of peace ensuing from its adoption, than from adopting the Bill, he did not consider himself justified in voting against the present measure in favour of the hon. and learned Member's proposition, particularly as it involved what, in one sense, must be considered a large (though if the object were attained it would be a small) portion of the revenue. The hon. member for Kildare had, also, made a proposition, which was to commute the Tithes in Ireland, as it was proposed to commute those of England. He must remind the House, that the circumstances were by no means alike in the two countries, and that, although, in this country, he might and did advocate the principle of adopting an average as a mode of arriving at a species of rough justice in the matter; yet, inasmuch as the Tithes in Ireland bore, in many cases, no proportion whatever to the rent, he conceived that the same plan would not do there, because the satisfaction which would result from the diminishment of Tithes in some places would be greatly overbalanced by the dissatisfaction which would arise from its being raised in others. On these grounds he disapproved of the proposals which came from the hon. members for Dublin and Kildare, and resolved to adhere to the plan of the Government, which, he was ready to admit, contained strong provisions for collecting the Tithes, though not more than the justice and necessity of the case demanded. Now, for the question of the hon. member for Tipperary, who had evinced so much surprise at the difference of opinion which existed between some members of the Cabinet on the question of the appropriation of the Irish Church revenues. The hon. and learned Member was aware of this difference before, because he (the Chancellor of the Exchequer) had heard him quote a speech of one of his hon. Colleagues, which proved it to exist. He admitted, that there was such a difference of opinion; but, at the same time, all the Ministers were united in the conviction, that it was their duty to secure the revenues of the Irish Church in the first place, and not to allow them to be frittered away in the manner which had been threatened. When that great object was effected, then he admitted, that the question of appropriation would be open to discussion. He would not now enter on that question, but he should merely state, that it was a question open to the consideration of Parliament, and subject to their ultimate decision.

Mr. *Anthony Lefroy* said, it had not been his intention to express any opinion upon the measure so long under discussion, till, as the hon. and learned member for Tipperary said, a difference of opinion on the most important clause in it had manifested itself amongst his Majesty's Ministers, which pressed hard upon their hearts and feelings, and which, he begged to assure the House, shocked his heart and feelings, and those of his hon. friends near him, to a degree which no words could adequately express. He, therefore, felt it an imperative duty on his own part, as well as of those hon. friends whom the forms of the House prevented a second time expressing their sentiments, to protest firmly against the doctrines for the first time revealed by the noble Paymaster of the Forces. He had not approved of all the details of this Bill; but, with the same desire as an hon. Baronet opposite to promote harmony and good-will amongst all classes in Ireland, he had felt it his duty to give it his support, on a distinct understanding, however, that the whole Bill, and not merely a part of it, was to receive the support of the Government; and it could not be denied, that the appropriation clause was the one of all others that rendered it most acceptable to him and those friends with whom he acted; and he would beg to assure the House, and the hon. Baronet, that should the good effects which had been anticipated follow from the passing of this Bill, there was no man who would feel more sincere gratification from such a result than himself. Notwithstanding the dismay that was produced on his mind by the laxity of the opinions of the noble Paymaster, he did gladly catch a gleam of hope from the very different sentiments expressed by the other members of the Government; but he would boldly declare, in the presence of those Ministers, and he desired to do so with all due respect, that if he were to be thus deceived, the most unexampled political treachery had been practised on him and his hon. friends, who had been induced, under the impression he had stated, to support the Bill. He could not, as an Irish Member of Parliament, who represented a large body of Irish Protestants, sit down without earnestly calling on his Majesty's Government to pause, if they had any such intention—to recollect, ere it were too late, that which they could not or dare not deny, that those Protestants had been chiefly instrumental in cementing and preserving the Union, which all admitted was no less essential to the happiness and prosperity of England than of Ireland; and that, if Ministers persevered in this course, they would inflict a wound for which no balm could be found, and commit a violence for which no future acts could ever atone.

Colonel *Conolly* said, that when he announced his determination to support this Bill, his impression was, that the funds with which it would deal were to be applied to the purposes for which they were originally intended. His Majesty's Government had since gone from that ground. They had abandoned the distinct proposition on the face of the Bill, and he now claimed to be released from the engagement that had been made at a time when he was grossly deceived. When the Bill was first introduced, he stated it to be his conviction, that there was not an honest man in Ireland who would not give it his support, and he himself was determined to assist in carrying it through. But when he saw, that there existed a determination on the part of his Majesty's Government to avail itself of his credulity as the means of advancing such a principle as the House had heard avowed, could he stand there as the representative of a large county in Ireland, and see, without resistance, so outrageous an attempt at *felo de se?* He repeated, that this would be an act of *felo de se;* and, in justification of his remark, he would refer to the difficulty his credulity had led him into. He had fancied, that Ministers meant to do what they said they would do—that they would consider themselves pledged to what they had originated. He, for one, had been shocked to a degree not to be described when he heard announced the intention of Government. He had considered, that he had to deal with gentlemen and men of honour. It might be supposed that he was led away by his feelings on the present occasion; he denied that it was so. He, however, did feel strongly on hearing it stated, that the Church revenues were to be applied to other purposes than that of the support of the Church. His Majesty's Government having taken up this new ground, he would only say, that he never would support them in it.

Mr. *Littleton* said, that in the defence of his own character, and in the defence also of the Church and his Majesty's Government, he must ask the hon. and gallant Officer if he was in the House when he (Mr. Littleton) submitted that resolution to the House on which the Bill was founded? And if the hon. and gallant Gentleman was in the House, he would ask him further if he did not remember, as nineteen-twentieths of the House, no doubt, did, that he (Mr. Littleton) then stated, that the question of appropriation was a separate and distinct question? And if the hon. and gallant Gentleman did remember this, on what principle could he reconcile to himself the language that he had used, when he stepped forward and told them that he thought, up to this moment, he had been acting with gentlemen? The hon. and gallant Gentleman having so expressed himself, he (Mr. Littleton) would declare that, whether the hon. and gallant Gentleman supported the Bill, or whether he withdrew his support from it, was to him (Mr. Littleton) a matter of the most perfect indifference.

Mr. *Robert Wallace* opposed the Bill. He did not wonder that it was opposed by the Irish Members, when it was intended to secure a large revenue to a sinecure Church, the only duty of which was to keep alive hostility and discord in the country. He considered that the Ministers did not act wisely by persisting in the measure.

Lord *Ebrington* considered the question of appropriation had been left an open question; if he had not so understood it, the Bill would never have obtained his support.

Mr. *Lefroy* said, he did not rise to rediscuss the question, but he wished to make one or two observations in consequence of what had fallen from hon. Members at his side of the House. It appeared to him that his hon. friend (Colonel Conolly) was labouring under a misconception as to what had fallen from right hon. Members opposite. He (Mr. Lefroy) did not understand his Majesty's Government as having stated their intention to strip the Irish Church of its revenues, but what he did understand them to say was, that the appropriation of these revenues was an open question. By the Bill as it stood, the revenues were appropriated to the Church. When the clause to which he referred, should come under discussion in Committee, it would be open to any hon. Member to move an amendment to that clause, and then for the first time the question of appropriation would come directly under discussion. As the Bill stood at present—inasmuch as the revenues were appropriated by it to the Church, he felt justified, nay, bound to vote for the second reading. In adopting this course, he felt on the one hand, that he was not compromising the interests of the Church in Ireland, while, on the other, by rejecting the Bill, he would deprive the Church of all opportunity of making an advantageous adjustment of the question. Although individual members of the Cabinet might not feel themselves committed personally to a specific appropriation of the revenues of the Church, yet as a cabinet they were undoubtedly committed by bringing in a bill containing a clause by which the revenues of the Church were distinctly appropriated to the same uses as the tithe composition. Under these circumstances he found himself bound to vote for the second reading of the Bill.

The House divided on the Question for the second reading of the Bill: Ayes 248; Noes 52—Majority 196

List of the NOES.

ENGLAND.
Aglionby, H. A.
Attwood, T.
Blamire, W.
Buckingham, G. S.
Davies, Colonel
Fielden, J.
Kennedy, J.
Palmer, General
Pease, J.

SCOTLAND.
Oswald, R. A.

IRELAND.
Baldwin, Dr.
Barron, W.
Barry, G. S.
Bellew, R. M.
Blackney, W.
Blake, M. I.
Butler, Hon. Col.
Callaghan, Dan.
Chapman, M. L.
Dobbin, L.
Evans, Geo.
Finn, W. F.
Fitzgerald, T.
Fitzgibbon, Hon. R.
Fitzsimon, C.
Fitzsimon, N.
Hayes, Sir E.
Lambert, H.
Lynch, A. H.
Martin, Thos.
Nagle, Sir R.
O'Brien, C.
O'Callaghan, Hon. C.
O'Connell, Daniel
O'Connell, Morgan
O'Connell, Maurice
O'Connell, Charles
O'Connor, Don
O'Dwyer, A. C.
O'Ferrall, R. Moore
O'Reilly, Wm.
Roche, D.
Roche, W.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Talbot, J. H.
Talbot, Jas.
Vigors, N. A.
Walker, C. A.
Wallace, Thos.

TELLERS.
Lalor, Patrick
Ronayne, Dominick

PAIRED OFF.
Grattan, Henry

SMALL DEBTS (IRELAND).] Mr. *O'Dwyer* moved, pursuant to his notice, for leave to bring in a Bill to restrain parties from proceeding in the Superior Courts in Ireland for the recovery of debts under 10*l*. There was already in force in England, statutes restricting parties from commencing actions in the Superior Courts when the amount was recover ble in a Court of inferior jurisdiction, and he merely desired to extend that salutary principle, under circumstances which he would shortly state. There was existing in Ireland, as the House were acquainted, civil Bill or Assistant-barristers' Courts, an institution analogous to those local Courts which it was proposed to introduce into England, and from whose introduction he anticipated most useful results to the people. The Assistant-barristers' Court had a very extensive jurisdiction in certain cases affecting property, and it was also very efficient for the recovery of small debts; simple contract debts to the amount of 10*l.* were recoverable there, at the inconsiderable expense of a few shillings. Parties, however, were not precluded by the establishment of this Court from resorting to the Superior Courts for their remedy, and he much regretted this defect in the law, as he knew that the process of the Superior Courts was frequently turned to the purposes of oppression and rapacity. Before the Civil Bill Courts were established, debts to the amount of 10*l.* were recoverable in a summary way, by English Bill or paper petition, before the Judge of Assize, and the third section of the Act of George the 2nd provided, that the defendant should not be obliged to appear out of the county where he resided before any Judge upon summons or process. Thus the plaintiff had his remedy at a small cost, and the defendant had his protection, if the humane intention of the Act were not frustrated. Subsequent Acts relieved the Judges of this business, and transferred this summary jurisdiction to the Assistant-barristers. There was thus created, at the expense of the State, a cheap Local Court—a competent tribunal, and one where justice could not fail to be obtained. He contended, that a vindictive plaintiff should not be permitted, unless at his own peril, to leave this Court of easy access, and select the important process of the Superior Court as an instrument of oppression. He knew instances where actions had been commenced in the Superior Courts of Ireland for sums varying from thirty-seven shillings to three pounds. These were actions for tithes. Why should the law permit such a power of oppression to exist? What protection did the law afford the miserable defendant, living in a remote part of the country? Had such a person the means of defending himself? Most assuredly he had not. Judgment was obtained, no doubt—execution issued, no doubt—the costs that were accumulated were levied, no doubt—and for what purpose? Surely not for the simple object of recovering a debt, for the process of the Assistant-barrister would effect that; but with the worse motive of crushing a defendant by the ponderous applications of those powers which should not be used upon every small occasion. It was a singular anomaly, that by an Act of recent date, for the regulation of Manor Courts in Ireland, a seneschal was enabled to remit the costs when the decree was for a sum under forty shillings, and that the Superior Courts, at least in their practice, did not evince the possession of any power to discourage vexatious actions brought for a similar amount. His Bill was very simple and very brief. It merely enacted, that when an action was brought in a Superior Court for a sum less than ten pounds, or where a verdict was obtained for less, the verdict should not carry costs; and he also proposed, that in such cases, where there was a verdict for the defendant, he should be entitled to full costs. The Bill should not extend to any debt where title of freehold was concerned. There were some other provisions, giving effect to the Bill, which he should not recapitulate. He hoped, he had laid some grounds to induce the House to permit him to introduce the Bill; and he was most certain, that its effects would be most beneficial to the poorer classes in Ireland.

Leave was given to bring in the Bill.

JUDGES' SALARY (SCOTLAND).] Mr. *Sinclair* said, that he should endeavour at that late hour to consult the convenience of the House, and do justice to his own feelings, by expressing his views as briefly as possible. If he had been so fortunate as to have addressed the House at an earlier period, he would have adduced many arguments, and enforced them by facts, into which he should then very slightly enter; more especially as his noble friend had intimated to him, that the Motion would be acquiesced in by the Government. It would be borne in mind, that he did not rise for the purpose of proposing, that an increase should be made to the salaries of the eminent public functionaries, in whose behalf he esteemed it a high honour to appear. All that he claimed—and he did not see on what grounds such a reasonable demand could be resisted—was a strict and dispassionate inquiry. And he should appeal in no degree *ad misericordiam*, but altogether *ad justitiam*. He must be permitted to observe, that he came forward as a spontaneous, unsolicited advocate—and that entirely on public grounds. He had no relatives on the Bench, or who were expecting to attain that high honour; he had a profound respect for the distinguished persons in question—and who were better entitled to it?—and for several of their number he cherished a sincere regard; but he was in every respect a disinterested, and, in one, a reluctant advocate. Not from any doubt as to the merits of the case, but because he wished it had fallen into the hands of a more able and influential advocate; for which reason, although he had called the attention of his noble friend to the subject last year, on the question of settling two thousand five hundred pounds on masters in Chancery, whilst a Civil Judge in the Supreme Court in Scotland received only 2,000*l.*, and had, for three months, abstained from originating any propositions, in the hope that his Majesty's Ministers, or some Scotch Member of greater ability, would have superseded the necessity of his interference. He deemed it superfluous to do more than enumerate a proposition, acceded to on all hands, and contended for most strenuously, by those most hostile to sinecures and unmerited pensions, that all efficient public servants, should be not only adequately, but amply remunerated. This principle was in a more particular degree applicable to the state of a Judge, who ought to be placed, as far as such an effect could be secured by a liberal amount of income, above temptation, and above suspicion; the *anxietate carens animus* as to external circumstances to the faithful, independent, and zealous discharge of his important functions, must be universally conducive. Private fortune might or might not be a concomitant; and it would be unworthy of a great country to suffer such an adventitious circumstance to enter as an element into its calculations—more especially as the *delectus personæ* was of far greater moment now, when only four Judges transacted the business in each division, than when fifteen sat in a single Court, and when the abilities or experience of each individual were consequently of less importance. He maintained, that the present salary did not provide for a Judge, who had no supplementary income of his own, the means of making an adequate provision for his family, and maintaining that station in society which his rank entitled, and even obliged, him to occupy. It was true, that of late years, some articles had become cheaper; but many others, such as education, insurance, &c., continued on the same footing (or nearly so) as before. He must also observe, that many eminent advocates had been great losers, even by the acceptation of a double gown. That considerably larger incomes than 2,000*l.* a-year was realized at the bar at this moment. That the country had lost the services of distinguished men during some of their best years, because they could not afford to accept a gown until they had realized a fund by their professional exertions. It should also be borne in mind, that, by an arrangement adopted a few years ago, the number of those functionaries had been diminished, while the duties of four Courts at that time abolished, namely, the Exchequer, the Jury, the Admiralty, and the Commissary, had been altogether imposed upon the remaining Judges, who were not even consulted as to the propriety of such a proceeding, to which they would in all probability have objected, if a distinct pledge had not been held out by the then Government, that a proportionate increase of remuneration should be an indispensable, as it certainly would have been a just and equitable concomitant. A large saving had accrued to the public by these extensive arrangements, and it would surely be proper and reasonable, that a portion of that sum should be devoted to the indemnification of those distinguished persons on whom so much additional labour had devolved, and without whose assent they could not fairly have been carried through. He begged leave also to observe, that an augmentation of the salary of the Scotch Judges had always gone, *pari passu*, with that of the incomes of the English Judges, and maintained its due proportion, and when retarded, had been made retrospective, excepting in the case of the latest increase, which took place in 1825, when the value of money was precisely similar to what it now was, and when the case of the Scotch Judges had only been deferred until the amount of augmentation could be regulated in proportion to the extent of their own duties. The English Judges had now considerably more than double the income of those in Scotland; that of the Irish was also, he believed, about 3,800*l.*; nay, he had been informed, that under the Local Courts' Bill, the subordinate functionaries, whom it was proposed to establish were to have been fixed at 1,500*l.* per annum. Could it, therefore, be fairly contended, that 2,000*l.* per annum was enough for a Judge of the Supreme Court in Scotland?

Some of them, indeed, had double gowns, which entitled them to 2,600*l.* per annum, but that increase was very hardly earned, and by no means proportioned to the intensity of labour which the alarming progress of crime had of late occasioned. And as far as the business of the Court of Session was concerned, it was just as important that those who were only judges in the civil court should be men of the highest legal attainments, as the possession of a double gown was a more advantageous circumstance, and gave an additional weight of influence in the decisions of the civil tribunal. It was very true, that even the present amount of salary might induce respectable members of the profession to accept the office. But would such a proceeding be just towards either the bar or the country? Ought advocates of high eminence and accomplishment to plead before Judges of inferior attainment, because they themselves could not afford to accept situations of such permanent importance, and to discharge the duties of which, with honour and efficiency, they themselves were far more competent than the men into whose hands a most unseasonable economy had alone caused it to devolve? He believed, that the present Judges enjoyed and merited the highest consideration on the part of this House and the public. And the case of the venerable persons who presided with so much honour and integrity over the two divisions, were especially entitled to fair and even favourable attention. This would, as he confidently anticipated, be the result of the inquiries which he had the honour to propose and on the propriety of which he deemed it quite unnecessary to expatiate more fully at so unseasonable a moment. The hon. Member concluded by moving for "the appointment of a Committee to inquire into the salaries of the Judges in Scotland, with the nature and extent of their duties."

Mr. *Gillon* would detain the House but a very few minutes in bringing forward the Amendment to the Motion of his hon. friend, of which he had given notice. He could scarcely suppose, that his hon. friend was serious in the proposition he made to augment, at a period like this, the salaries of the Scotch Judges, when the profits of capital, the rents of land, the products of industry, and the wages of labour, had sunk to so low a scale. He begged to state to the House what had been the amount of the salaries of the Scottish judges. In 1786, they were 1,000*l.*; a further augmentation was made in 1799 to 1,280*l.*; and, in 1810, on the plea that the prices of the necessaries of life, and the expense of living had increased, they were raised to the present rate of 2,000*l.* Besides this, there were five Lords of Justiciary who received 600*l.* additional, and three who had been Commissioners of the Jury Court, who received also 600*l.*; and although the Jury Court had been now for many years abolished, these Commissioners still retained their salaries for doing nothing; and the Lord Chief Commissioner also drew his full salary of 4,000*l.* per annum. The Lord Justice Clerk received 4,000*l.* per annum, and the Lord President 4,300*l.* There had been no want of eminent men to fill the situations of Judges in Scotland before the salaries were augmented, and in the records of those times would be found names that would fully bear comparison with those of the Judges of later times. The salaries had been increased in 1810, as he had already stated, on the ground of the increase of the price of the necessaries of life, and of the expense of living. But what had taken place since that period? We had had a return from war to peace prices, and the bill of 1819 had passed, the propriety of which it was not now his business to discuss; but the effect of which had unquestionably been to raise the value of money at least thirty-five per cent—in his opinion more than fifty per cent (an opinion in which he believed that his hon. friend concurred, which made it the more remarkable, that such a proposition should emanate from him). Since that period the rent of land had fallen thirty per cent; a still further reduction must take place to keep pace with the exigences of the times. A change in the Corn-laws was unquestionably at hand, which would further reduce the value of land. All this he, as an agriculturist, was prepared to meet and submit to as an act of necessary justice to his distressed countrymen; but it was on this condition, that the public functionaries, and other classes of society, should submit to a like reduction. In 1810, the period of the last augmentation of the Judges' salaries, the price of wheat was 106*s.* per quarter; it was now little more than half. House rent, butcher's meat, wine, &c., had fallen in a like proportion. In 1798, the price of the quarter of wheat was greater than at present, and the salaries of the Judges were about one half. What possible pretext, therefore, could there be to augment at present the salaries of the Judges, and rather what reason that they should not be brought back to the scale of 1798? The profits of capital had notoriously sunk to the lowest ebb; the wages of labour, notwithstanding the glowing picture of prosperity drawn by some hon. Members, were much reduced, amounting in Scotland, for the best agricultural labourers, to 20*d.* per day, and this was more than the farmers could afford to pay them; and yet his hon. friend, a practical man, and an agriculturist, thought this a fitting time to bring forward a Motion for augmenting the fixed salaries of our public functionaries. There really was something almost ludicrous in the proposition; but that the subject was far too grave a one for a jest. He might be told, why not agree to the Committee, as suggested by his hon. friend, when the whole of the matter might be discussed; but if the Committee were appointed in the terms of the original Motion, it would be an admission on the part of the House, that some grounds existed for the proposed augmentation—a principle to which he (Mr. Gillon) could not for one moment accede. The hon. Member concluded by moving an Amendment to the following effect, "That a Select Committee be appointed to consider how far the salaries of the Judges of the Supreme Court in Scotland ought to be reduced, in consequence of the alteration which has taken place in the value of money, as compared with that of the products of industry, and of the necessaries of life."

On this Question the House divided—Ayes 12; Noes 39: Majority 27.

The Original Question was then carried, and the Committee appointed.

HOUSE OF LORDS,

Wednesday, May 7, 1834.

MINUTES.] Bill, Read a second time:—Warwick Witnesses' Indemnity.

Petitions presented. By the Duke of BEAUFORT, from Monmouth, for the Repeal or Alteration of the Sale of Beer Act.—By the Duke of RUTLAND, the Earl of GOSFORD, and Lord DENMAN, from several Dissenting Congregations,—for Relief to the Dissenters.

HOUSE OF COMMONS,

Wednesday, May 7, 1834.

MINUTES.] Bill. Read a second time:—Spring Quarter Sessions.

Petitions presented. By Mr. CARTWRIGHT, Mr. HOULDSWORTH, Mr. TODD, Mr. MILES, Lord Viscount EBRINGTON, Lord Viscount HOWICK, Mr. DUNCOMBE, Mr. HANDLEY, Mr. PLUMPTREE, Mr. PEASE, the Earl of DARLINGTON, Mr. DIVETT, Mr. BULLER, Mr. STRUTT, Mr. TYNTE, Mr. INGHAM, the Earl of LINCOLN, Sir GEORGE HEATHCOTE, Mr. MATTHIAS ATTWOOD, Mr. TOOKE, Sir FRANCIS BURDETT, Mr. CAYLEY, Lord CAVENDISH, Sir WILLIAM INGILBY, Sir EARDLEY WILMOT, and Messrs. BLAMIRE, DYKE, and JERNINGHAM, from several Places,—against the General Register Bill.—By Mr. RIGBY WASON, Mr. LITTLETON, Sir WILLIAM INGILBY, and Messrs. TYNTE, WEYLAND, DILLWYN, BARNARD, and DASHWOOD, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Mr. ROTCH, from two Places, for a Remission of the Sentence on the Dorsetshire Labourers.—By Sir J. ASTLEY, from three Places, for Amending the Sale of Beer Act.—By Mr. MARK PHILIPS, from two Places, for putting Retailers of Beer on the same footing as Licensed Victuallers.—By Mr. EMERSON TENNENT and Sir WILLIAM RAE, from Belfast and Rothesay,—for the Repeal of the Reciprocity of Duties Act.—By Sir WILLIAM INGILBY, Sir W. RAE, Sir J. ASTLEY, Mr. SANFORD, and Captain ELLIOT, from several Places,—in favour of the Bill for the Better Observance of the Sabbath, and for extending that Measure to Ireland.—By Mr. E. TENNENT, from several Places, and by Sir W. RAE, from two Places,—for an amended System of Church Patronage in Scotland.—By Mr. EMERSON TENNENT, from Belfast, for one uniform Duty on all kinds of Tea; from the Handloom Weavers of Belfast, for Relief.—By Mr. G. F. YOUNG, from the Females of London, in favour of the Bill for preventing the Employment of Children in Sweeping Chimneys.—By Sir HENRY PARNELL, from Strathmiglo, for the Repeal of the Corn Laws.—By Mr. RIGBY WASON, from the Unitarians of Ipswich, against the proposed Measure concerning Church Rates.—By Mr. BROCKLEHURST, from the Retailers of Beer of two Places, to be put upon the same footing as Licensed Victuallers.—By Mr. BAINES, from several Places, against Trades' Unions.—By Sir RICHARD SIMEON, from the Isle of Wight, for Amending the Friendly Societies Act.—By Mr. WYNN, from the Southern Part of the County of Denbigh, for the Repeal of the Duty on Bricks; from several Places, against any Measures likely to weaken the efficiency of the Established Church.—By Mr. MARK PHILIPS, from the Jews of Manchester, for the Removal of their Civil Disabilities.—By the same, and Mr. BANNERMAN, from Manchester and Kilmarnock, for the Repeal of the Corn Laws.—By Mr. DUNLOP, from several Schoolmasters, for an Augmentation of their Stipends.—By Captain ELLIOT, from Hawick, for Amending the Factories Regulation Act.—By Mr. MORRISON, from several Places, against the Measure relating to Church Rates.—By Mr. PRYME, from two Places, for giving to Rate-payers the right to elect Churchwardens and Overseers.—By Mr. CHARLES FITZSIMON, from two Places, for the Abolition of Tithes.—By Mr. MARK PHILIPS, from the Surgeons of the Manchester Infirmary, for Placing it on the same Footing with regard to Certificates, as the Hospitals of London and other Places.—By Mr. JOHN PHILPOTTS, from three Parishes in the City of Gloucester, for the Repeal of the Window Duty.—By Sir JOHN ASTLEY, from several Places, for the Repeal of the Malt Duty.—By Mr. ROSS, from Montrose, for Exempting Fishing Vessels from Light-House Dues.

LONDON AND WESTMINSTER BANK.] Mr. *Clay* said, in rising to move the second reading of the Bill for enabling the London and Westminster Bank to sue and be sued in the name of its Chairman, he did not anticipate any serious opposition to his Motion. Some doubts had arisen as to the exclusive nature of the privileges of the Bank of England, and as it was clearly the intention of the Legislature to secure its privileges to that Establishment on the renewal of the Company's Charter, a clause explanatory of those privileges had been introduced. By that clause any company or association might carry on business as bankers within sixty-five miles of London, provided they did not issue notes within a less time than six months after date. On the strength of that declaratory clause a society had been formed, very numerous, highly respectable, and possessing a very large capital. They had commenced the business of banking, were every day obtaining fresh accessions of strength, and thereby conferring on the public those great advantages which every man conversant with commercial affairs was aware must arise from a secure system of banking. That community did not apply for any exclusive privileges or powers, but merely for the convenience of suing and being sued in the name of their Chairman, which would, in fact, be of greater advantage, and be a greater protection to the public than to themselves. On these grounds he could not anticipate that the Bank of England (although he had heard that the Bank did not display a very friendly feeling towards the new establishment) would oppose the second reading of the Bill, because, whatever doubts might have arisen as to their privileges, the clause to which he alluded, would convince the House that the present Bill was no infringement upon those privileges. His opinion was, that it did not, in the slightest degree, infringe upon them. He trusted that the rumour which he had heard, that the noble Lord, the Chancellor of the Exchequer, meant to oppose the second reading, was not correct. He knew enough of the noble Lord's sentiments to believe, that he was friendly to the principle of the Bill, and he thought the noble Lord could only oppose the measure on the ground that he stood pledged to the Bank to resist all such measures. He understood, that the Bank had accused the noble Lord of not having dealt with perfect fairness towards it, but he believed such a charge was unfounded. The present was certainly not a question which involved the interests of a few private individuals only; it was a question which involved a most important principle, and one in which the whole community was deeply interested. The rejection of the Bill would be a denial of justice to the people of England. For example, as the law stood, if any individual not having a special agreement with the Bank, had a claim on that he could only recover it by an action of trover, and if he omitted one of the partners' names, he would be nonsuited, and have the costs of the action to pay. If they refused to pass this Bill, that would add one more to the many disgraceful instances of legislative bungling which already disgraced the Statute-book. He trusted, that the House would not sanction such a glaring injustice. He (Mr. Clay) had no unfriendly feeling towards the Bank of England; there were amongst its supporters and managers many whom he reckoned as his private friends. The respectable banks of London had nothing to fear from the London and Westminster Bank. The law said, that joint-stock banks might be established, and he (Mr. Clay) claimed from that House that the London and Westminster Bank should not be put down. Within the last twenty years the privileges now sought by that Bank had been granted to no less than forty-two institutions, and he could not see how that House could extend the privileges in one instance and refuse them in another. He claimed but justice for that establishment, and with a perfect confidence, that the House would do it justice he would content himself by moving that the Bill be now read a second time.

Lord *Althorp* said, that the hon. member for the Tower Hamlets had represented him as having no wish to prevent competition in banking establishments. But the hon. Member certainly might have known that, although he had no objection to a competition between banks that did not issue their own notes, between those which did issue their own notes he had stated that he entertained strong objections to a competition. He confessed he did not think, that the public would derive any advantage from such a competition; on the contrary, he could easily conceive that such a competition might in many instances be injurious, because the effect might be, to generate and continue an excessive issue of paper money in order to accommodate the public. He thought he could prove, that it would have a tendency to an excess of accommodation in the metropolis. He did not think that there would be any advantage to the public from such a state of competition as this Bill would give rise to. With respect to another point, whether the Parliament ought to give any additional privileges to joint-stock banks, he felt no doubt. In all the discussions upon the Bank Charter he had stated, that the clause which permitted the establishment of joint-stock banks, though it took away the privileges from the Bank of England, did not increase the privileges of other commercial companies against the Bank of England. The hon. member for the Tower Hamlets said, that he asked for what was of no consequence. If it was of no consequence, why ask for it? But the whole of the hon. Member's speech was intended to show, that it was of consequence, and that the effect of granting what the Bill asked, would be a great advantage to the joint-stock banks, for the exclusive privileges of the Bank of England interfered with the internal arrangements of those banks, and thus rendered it more inconvenient on their part to transact business, and more disadvantageous to the public, and, therefore, they claimed additional privileges. That it was of consequence, was proved by the fact that it was necessary to have an Act of Parliament to obtain it, which should give those banks additional advantages to those they possessed under the charter. He (Lord Althorp) did not think that Parliament would be justified in acceding to the Motion. They had made a bargain with the Bank during the last Session, and according to that bargain they would not be justified in granting any additional privileges to those banks. This was the main ground upon which he opposed this proposition; besides, he did not think, that the public would derive any advantage from it, but even if it would, he thought that they were bound not to depart from the terms upon which the last charter had been granted. He did not know, that the present system of banking of the metropolis was liable to great objections. He would not, however, enter into that point at present. He felt that the system generally acted upon in this metropolis was as much calculated for the convenience of the commercial interest as it could be. Looking at the question in this light, and not feeling that there would be any advantage in encouraging competition, but, above all, feeling that, after granting the charter of last Session, they would not be justified in extending the privileges of association in competition with the Bank of England, he felt it his duty to oppose the proposition, and he would, therefore, move that the Bill be read a second time that day six months.

Mr. *Patrick Stewart* said, that all the Company asked to be given them by the present Bill was, that one of its Members be allowed to sue and be sued in the name of the Company. It was intended to remedy a glaring defect in the law, and the House could not with justice resist the Motion of his hon. friend. He never knew an instance, and he believed there was none on record, of the privilege which this Bill was to confer being refused, and he thought that this was not the occasion to make the exception, when an Establishment was formed of so much advantage to the public. The objections raised by the noble Lord rested more upon private than public grounds, as was proved by the attendance the noble Lord had upon the benches behind him. The noble Lord might have been inadvertent when he made his declarations last year, but it was upon the strength of those declarations, that the London and Westminster Bank was started. The noble Lord, by the speeches he made when the Bank Charter Bill was under discussion, led the House and the country to believe, that the noble Lord considered it lawful for banks with more than six partners to be established. On the faith of that understanding, this Bank had been established. The hon. Member referred to several passages in Lord Althorp's speeches on August 9th, 1833, to show, that the establishment of Banking Companies in the Metropolis was consistent with the law.* No comment from him could make those declarations stronger, and he, therefore, was at a loss to know why the noble Lord should now oppose what he then had thought it right should be effected. An additional reason why this power should be granted, was to be found in the present state of banking in this country which was notoriously bad. He could confirm this by some of the greatest authorities that ever appeared in that House. The hon. Member read extracts from the speeches of Mr. Huskisson,[*] and Sir Robert Peel,[†] to show that our banking system, and the law of partnership required revision. This was good practical sense. The opinions of those Gentlemen were decidedly in favour of a change in the defective law of partnership which would place our system of banking upon a sounder footing than it now was, and make it approach the system which had so long, and so beneficially existed in Scotland, where not more than one Bank had failed, and that had paid 20*s.* in the pound, in the same period that 704 had failed in England. A very short statement of facts would show the advantages and safety of the joint-stock plan compared with that which had produced so much loss in England. From the year 1810 to 1822, out of seventy banks in London, twenty-two had failed. The debts proved under them, amounted to upwards of seven millions, of which four millions and upwards were never paid. At the present time, there were only forty-nine or fifty banks in London, notwithstanding the great increase of the population. The London and Westminster Bank was intended, and would introduce into the metropolis all the advantages and safety of the Scotch joint-stock banks. It consisted of hundreds of wealthy partners, and all they wanted was, for the convenience of the public more than their own, to have the privilege of appointing one of their own number who might sue and be sued for them. To say, that it was an innovation, was no argument, for all improvements were innovations. He therefore begged leave earnestly to recommend the Bill to the House, as worthy of their support.

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* See Hansard (third series) xx. p. 469, 499.

Sir *John Wrottesley* said, he had stated before, that the "great panic" arose out of the misconduct of the Bank of England, which, in order to get itself out of a scrape, sacrificed the country bankers. But while he said that, he was a friend to justice, and must say, in his opinion, that the House had no power to recognise the establishment of any Banking Company within sixty-five miles of London. As to the success of the Scottish system, that was more to be attributed to the careful habits of the people, than to its intrinsic merit. The Parliament had sanctioned the monopoly of the Bank for ten years, and it could not be done away with but by a general Act, to which he would agree, but he could not agree to the Motion of the hon. Member.

Mr. *Gisborne* said, this question was opposed by the country bankers, by the London bankers, by the Bank of England, and by the noble Lord, (the Chancellor of the Exchequer) but he hoped the latter was not a Government opposition; but a local one only. The article in which banks traded, was the circulation of the country, which ought not to be refused one class of his Majesty's subjects any more than another. The Act said, that banks might be established, and the noble Lord said so too, but he added, "You shall be virtually outlaws." He (Mr. Gisborne) was willing to be bound by the words of the Act, but not by any private understanding between the noble Lord and the Bank of England. He could not believe the majority of that House would oppose this Bill, which was similar to those incorporating the Scottish banks, and Insurance Companies. The Liverpool Banking Company was exactly a case in point. It was supported both by reason and precedent, and should have his support.

Mr. *Hume* would only occupy the time of the House for a few moments, while he begged to protest against the assertion of the hon. Baronet (Sir John Wrottesley) that an Act of Parliament prevented the passing of this Bill. The principle of it was one of justice; it was not the Company's interests which were consulted, but the public advantage, in affording a facility to any persons wishing to embark capital in the banking system. He was surprised at the opposition given to the Bill by the noble Lord (Lord Althorp), for the measure was one of public utility and justice. The monopolists were protected, but the public were neglected, by the course of the noble Lord; and he hoped that the House would give the Company that facility which all joint-stock companies should have.

Mr. *John Smith* opposed the Bill. If it were passed, the effect would be the creation of twenty new banks in London, and the consequent withdrawal of the deposits from the Bank of England. The right hon. Baronet, the member for Tamworth, in his (Mr. Smith's) opinion, had done an effectual service to the country by the introduction of that Bill which suppressed small notes under the amount of *5l.* In his opinion, that system had been productive of misery to the people of England, and the country was much indebted to the right hon. Gentleman for having suppressed the circulation of the notes. He hoped the House would maintain its engagements with the Bank of England.

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[*] Hansard (new series) xiv. p. 243.

[†] Ibid. p. 292.

Mr. *Baring* thought the whole question for the House to consider was, whether the present Bill interfered with the privileges of the Bank of England. He denied that it interfered with its legal privileges, and on this point he differed totally with the noble Lord opposite. There was a particular restriction in the clause which had been alluded to against the issuing of notes; and that being the only restriction, it was clear, that banks might be established, provided they did not interfere with that restriction. He did not think either the Bank of England or the private banks of London would be injured by the Bill, and it was absurd to assume the nature of our engagements with the Bank of England as a reason for not doing a simple act of justice.

Mr. *Pryme* could not see on what ground a Bill like the present was to be rejected, and therefore he should vote for the second reading.

Mr. *Cayley* conceived, that the extension of such an establishment would make the Bank of England more liberal in its transactions.

Sir *Francis Burdett* complained of the illiberality which characterised the transactions of the Bank of England, and which would be obviated by the establishment of banks like that under the consideration of the House. He cordially supported the second reading of the Bill.

Mr. Alderman *Thompson* said, that, within a twelvemonth after the Government had entered into an arrangement by which the Bank of England gave up a sum of 120,000*l.* annually, it was too bad that a proposition should have been made to interfere with the privileges of that establishment. The Westminster Bank, he admitted, was composed of most respectable and influential Members of that and the other House; but they could not, on that account, come forward and claim for themselves exclusive privileges not enjoyed by any other joint-stock banking company. The question was, whether, consistently with its former acts, the House could consent to pass that Bill? He contended that they could not; and the Westminster Bank had commenced their operations with their eyes open, and should abide by the consequences. The hon. Alderman referred to the letter written by Lord Althorp to the Bank Directors, and said, he thought, that that letter was a sufficient proof that the Government had no intention to interfere with the privileges of the Bank of England, and, under these circumstances, he must oppose the second reading of the Bill.

Sir *Thomas Freemantle* defended the conduct of the London and Westminster bank from the imputations of the hon. Member (Alderman Thompson) who had last spoken. The hon. Member called upon the House to keep faith with the Bank. He called upon the noble Lord to keep faith with the public.

The House divided on the question, that the Bill be now read a second time —Ayes 141; Noes 35: Majority for the second reading 106.

List of the Noes.

Althorp, Lord
Baring, T. F.
Barnett, James
Biddulph, R.
Bulteel, J. C.
Buxton, T. F.
Crawford, Wm.
Fielden, J.
Finch, G.
Foley, J. H.
Gladstone, Thomas
Gronow, R. H.
Hodges, T. L.
Howard, Philip H.
Hurst, R. H.
Ingham, R.
Lennox, Lord G.
Lyall, G.
Maddox, J.
Mangles, James
Martin, J.
Marjoribanks, S.
Mills, J.
Parker, Sir Hyde
Russell, Lord J.
Roberts, W. W.
Smith, John
Smith, J. A.
Smith, V.
Wall, Baring
Ward, Charles
Weylands, Major R.
Winnington, Sir T.
Wrottesley, Sir J.

TELLERS.

Thompson, Ald.
Reed, Sir John

Repeal of the Union (Ireland).] Mr. Fitzsimon having presented a Petition from a place in the county of Limerick, in favour of a repeal of the Legislative Union,

Mr. *Kennedy* said, as he was the only English Member who voted for the Motion of the member for Dublin, he felt it necessary to take some notice of the comments which a noble and learned Lord was pleased to make upon his conduct in another place. He could not believe, that the observations to which he alluded were meant to intimidate him, or that it was the wish of the learned Lord to control the votes of that House; but still he deemed it only justice to himself, in consequence of those observations, and without further reference to the motives which impelled the noble Lord to make them, briefly to state the reasons which induced him to support the Motion of the hon. member for Dublin. It had been said, that the hon. Member sought for a Repeal of the Union, and that his Motion was directed to the attainment of that object; but was that the fact? He denied, that any such construction could in fairness be put upon the Motion, inasmuch as, instead of asking to have the Union repealed, it only sought the appointment of a Committee to ascertain what were the present effects of the Union with regard to Ireland, and what the probable consequences of the connection were likely to be. In all cases where grievances were complained of, it was, he submitted, the duty of Parliament to institute inquiry; and that being all the Motion called for, he considered he was bound to vote for it as he had done, without, however, being answerable for any of the opinions expressed in the course of the debate. It would, indeed, be a monstrous principle to establish that, because a Member felt it his duty to support this or that proposition, he was, therefore, to be responsible for the opinions of those by whom a question was brought forward; and it was just as reasonable to hold him accountable for the opinions of the noble Lord, the member for Northamptonshire, or say, that he approved of the budget of the hon. Baronet, the member for Lincolnshire, because he had voted in favour of their Motions, as to assume that, because he had voted with the hon. and learned member for Dublin, he must necessarily be the advocate of Repeal. He denied any such doctrine, and begged it to be distinctly understood, that although he had voted for inquiry, he was not therefore pledged to Repeal. On the contrary, so far as he knew of the matter, he firmly believed that a dissolution of the connection between the two countries would not only be highly detrimental to the empire at large, but most disadvantageous to Ireland herself. He thought it right to make this avowal, in order to show, that the noble and learned Lord had attacked him without cause, and misrepresented the motives which had induced him to vote for a Committee, as the means by which alone the question of Repeal could be got rid of. He still entertained the opinion, that a parliamentary investigation would be more efficacious in setting the matter at rest than any discussion, however temperate and deliberate, that might take place in that House. And, with respect to arguments adduced from figures, was not a Committee absolutely necessary to render those arguments intelligible? He therefore contended, that a Committee should have been appointed to sift the matter to the bottom; but, at all events, it was his opinion that a consolidated Grand Jury Board should be established in Ireland, to advise the Imperial Parliament as to the measures that would best contribute to the good Government and happiness of that country. Indeed, he should like to see local legislatures on the same principle in England; but of one thing he was satisfied, and that was, that the question of Repeal would never be stifled effectually until a Committee of that House had reported on the effects which the Union had upon Ireland.

The Petition to lie on the Table.

GENERAL REGISTRY OF DEEDS.] Mr. *Brougham* moved the Order of the Day, for the second reading of the General Registry of Deeds Bill. Upon doing so, he said, that, notwithstanding the vast number of petitions against the Bill, he could not feel altogether so disheartened as to suppose that the measure was now utterly destroyed, or to conclude that even if it failed for the present, it would not be in his power successfully to propose it upon some future occasion. Although he did not agree with a certain noble person in thinking that the petitions of the people were little better than waste paper, yet he must be allowed to say, that upon a question like the present, feelings of interest might be very readily excited and petitions procured against a measure good in itself, because it was not sufficiently understood throughout the country. He considered it quite impossible that anybody who had attended to the subject, or who had an interest in land, could doubt that the principle of registration was a good one. They might differ as to the mode. Some might wish to have all deeds sent up to London —others might prefer a system of district registration to one of central registration —others again, like his hon. friend opposite, might think that every man should be his own registrar—might, in fact, be favourable to a system of domestic registration, according to which every man might inscribe on his own parchment all the incumbrances to which it was subjected from that time forth to the end of the world; all, however, recognized the principle of registration as good. He would not enter into the merits or demerits of the plan; he would reserve what he had to say upon the subject either for the latter portion of his observations or for a future occasion, when the Bill would come before the House for consideration, more in detail. As to the principle of the measure, no one could hesitate to admit, that it offered a security to property, and a greater facility of disposing of it by sale or transfer than was at present enjoyed by the possessors of land; and in bringing forward the Bill for the third time, it was scarcely necessary for him to say he was actuated by no personal interest or personal motive. He had persevered, and he would continue to persevere, in advocating the measure, because be believed it to be one which the landed interest would hereafter thank him for having introduced and proceeded with. At present, he would not say from ignorance, but from not having their eyes sufficiently open to the evils by which they were affected, and which this Bill would remove, he feared they were in no small part opposed to it. He had no intention of entering into details or troubling the House with any lengthened discussion as to the merits of the measure. He could perceive that, in all the meetings in Yorkshire, and in all the petitions from the county which was the most opposed to the Bill, there was nothing said against the principle of registration; the opposition was, to registration being metropolitan. But not only having heard that night, as well from petitioners as from the lips of hon. Members of that House, that some of them were opposed to all manner of registration, he would beg for a moment to call their attention to the great benefits which would be provided by a measure such as that he had introduced. Look at the situation in which any gentleman acting as a trustee might be placed. He would give one instance, and this would be better than a host of abstract arguments. The case was one which fell within his own knowledge, and it would illustrate what he wanted to set forth as well and as simply as it possibly could be done. On the occasion of a marriage it was provided, in the marriage articles, that any money which might come to the wife should be conveyed to trustees for her use, under certain provisions. The father of the lady died, and he left upwards of half a million of money, which he directed by his will trustees to convey to the use of his daughter for her life. Here, then, she took a life-interest in the property. Well, afterwards this lady and her husband fell into embarrassed circumstances, and having exhausted all their available funds in the first instance, they were compelled to seek further assistance from her friends, and a large sum was raised accordingly for the benefit of her husband's creditors. All this while the marriage settlements were slumbering in the tin box of an attorney; and the trustees had allowed the money to be raised upon the life-interest. An action had been since brought against the trustees for not having conveyed the money according to the settlements; and if this succeeded, then innocent men would be made answerable for a sum frightfully large. Here it was obvious there was no fault in them; the mischief arose from the want of a registry, for had there been one, the money could not have been raised on such security as had been proffered. He therefore put it to hon. Members, any of whom might be placed in a similar situation from unconsciousness of the existence of a particular instrument, whether it would not be well to provide some security against innocent persons being subjected to a risk so frightful; and he put it to them, whether that security could be obtained by any other means excepting those of a general and complete registration. Passing from the general question, he requested them to allow him to advert to the provisions of the Bill then before the House. By the Bill he had introduced, it was proposed, that the registering officers should be appointed by the Crown, hold their places during good behaviour, and be paid by salary from the Consolidated Fund. The object of the Bill was, to make registration general, and to simplify the mode of registration. Now, as to the latter branch of the object, it was quite clear, that if a multiplicity of deeds were to be registered in one office, unless there was the nicest order and the most admirable plan and method, such intolerable confusion must arise, so great and so grievous would be the risk of overlooking a deed, that the security of property would be most seriously compromised. He admitted that, unless the mode of registering deeds were to be made perfectly simple, and altogether free from the chances of confusion, no greater curse could befall the country than the enforcement of a general system of registration. In advocating this part of his measure, however, he felt that it was scarcely possible for him to detail the provisions so as to make himself intelligible to the House. The same difficulty presented itself that would occur in the attempt to make long algebraic calculations clear to an assemblage in propounding them by word of mouth, instead of displaying them in written characters upon paper. He could, therefore, in this part of the subject only rely upon the authority of the learned persons to whom he had submitted his plan in detail, who had tried it by all possible tests, and who had come to the deliberate conclusion, that it would perfectly answer all the purposes to which it was intended to apply. In the first instance, he had to quote the high authority of Mr. Bell, of the Chancery-bar, who had begun by objecting to the measure, but who had afterwards, upon due examination, come to the contrary conclusion. Next, he had to appeal to the authority of the Commissioners appointed by the Crown to report respecting the state of the law of Real Property. The plan, to give a popular illustration of it, was similar to that adopted in making out one species of catalogues for libraries. There might be a list of the names of books, and an index referring to pages and contents; with respect to deeds, however, it would be very inconvenient to have the names of parties, so numerous would be the names—so many Smiths, and Browns, and so forth would there be, and so difficult would be the means of accurately describing and distinguishing them. But if, instead of a list of names and table of contents, there were to be a catalogue of the deeds—that was to say, in the other case, of the volumes themselves, and an index, as it were, to the titles of the books and the contents, you would have only to turn to the deed, and there you would find who were the creditors, and what were the incumbrances, as you would in the other case the contents of the volume. You would have a catalogue, in a word, of deeds and encumbrances, as you might have a catalogue of the titles of volumes. Now, in Yorkshire, there was a registry of the names of persons and of the contents of the deeds. He objected to the plan of his hon. friend, the member for the North Riding of Yorkshire, because it went to continue this mode of registration. In the index of names and of the parcels in the deeds there must be, perhaps, some thirty references, and as many entries in the register; while all that was effected by these could, according to his plan, be done by one entry, giving the root of the title and a symbol for the various deeds. This word "symbol" was objected to by his hon. friend as something mystical—as conveying something strange and horrible to the imagination—as a word, in fact, that should not be breathed beyond the precincts of a freemasons' lodge; therefore had he, to relieve the conscientious scruples of his hon. friend, removed the obnoxious word "symbol" from the present Bill, and adopted another in its stead, but, practically speaking, the plan remained the same. The great object would be effected of having only one entry. You went to the registrar, and he turned up the page, and you forthwith acquired all the information of which you were in search. He, therefore, trusted, that, should the House prefer a system of district registration to one of central registration, that at least the simpler plan of arrangement which he had proposed would be adopted. Next he begged to state, that he had great objection to his hon. friend's Bill. First, it would cause great expense. It might be argued that, after the gentlemen in each district had built their registry-office there would be an end to the expense; but he could not help thinking, that considerable difficulty would be made about the expense, when he remembered what took place about the registering of freeholders under the provisions of the Reform-bill. It would be recollected, that the expense of the registration was thrown upon the new freeholders, and that even the shilling was not very willingly paid by the individuals enfranchised. Further, as to the expense, he had ascertained, that, in Yorkshire, the practice was, for an attorney, if he had a distance to travel, which would keep him absent from home for a day, to charge two guineas for registering a deed, and so on in proportion to the distance, and one guinea and a-half for what were called "expenses"—that was to say, for preparing the memorial, &c. Thus, it appeared that a deed carried the smallest distance for registry, cost three guineas and a-half; and he had ascertained that the average expense of registering a deed from Sheffield, Hull, Ripon, Leeds, Halifax, Tadcaster, and York, rather exceeded *5l.*; sometimes it was done at less cost. His hon. friend was aware that, in Yorkshire, it was not usual to register a deed immemediately after it was executed; a solicitor was in the habit of waiting till he had ten or twelve deeds to register; and, in some instances, he never registered deeds except during the period of the assizes. Registration, in fact, was not imperative. Now, it was an essential part of this measure to make registration absolutely necessary; if it were not, there was no security for the creditor, or for property in general. The essence and virtue of this measure was, making registration part and parcel of the deed. Consequently, when a deed had been executed, it would be absolutely necessary that it should be registered at once. Then it would take place that the attorney would have forthwith to set off with the deed to get it registered. Here was a certain expense to be incurred by the purchaser, large or small. Now, on the other hand, if the registration were to be made at one place in the metropolis, whereto there was the safe and speedy conveyance of the mail, the expense of transmission and of registration would not exceed 5s. He therefore threw this out as a consideration to those who pressed for district registration. He warned them of the expense; if they incurred it, they would do so with their eyes open. Further, to illustrate the expense and inconvenience, he would state, that a letter leaving Appleby on a Monday for Kendal, which was twenty-five miles distant, reached Kendal on Wednesday, and an answer might be received on Friday. Now, an answer to a letter written from Appleby on the same day might also be received from London on the Friday. From this he concluded, that, instead of intrusting a deed to this cross-post, people would, in all cases, prefer despatching it by a man on horseback. He next must state, that in Yorkshire nothing but memorials were registered; and he should infinitely regret the adoption of this system of registration, being as it was extremely mischievous. He had himself seen the bad effects of imperfect records. There might be descriptions of the parcels of land, and of what had been actually done by the parties; but that was not sufficient. The hon. Member cited a case, in which a deed had been executed and a memorial registered, which memorial bore out the fact, that a deed had been executed for the benefit of certain parties in 1799. They, however, were now in the Court of Chancery, with the view of being enabled to sell the property, because there was no legal proof that the deed had been executed, and that the trusts had been carried into effect. The title was consequently unmarketable, and it could only be made marketable by the Court of Chancery. Now, if it had not been for the memorial telling of the deed without detailing the contents, they might have sold the property. But every man, it was said, liked to keep his own sheepskin. Well, a copy might be registered; aye, but this cost money. True, but so did the memorial; and the consideration really was, whether the difference in the expense was not amply compensated for by the security afforded by the copy, and from its making the title perfect. Besides, the expense would not fall heavily on those in narrow circumstances, for the deeds of small properties would necessarily be small, and, of course, the cost of copying could not be very great. One of the strongest objections which had been urged against the measure was, that it would interfere with the arrangements under which money was usually raised by landed proprietors. Let the House consider the terms on which bankers lent their money at the present moment. He would wish to know what impediment it would throw in the way of a person desirous of borrowing money, if, instead of producing his title-deeds to a banker, he produced a certificate of the registration of his deeds, and said, "This is my title, you will find the deeds under letter A, No. 1, in the Register-office?" If the banker believed the statement, he would lend the money upon the certificate; and if he entertained any doubts upon the subject, he would write to the Register-office to have them solved. It had been urged, that the writing to London would cause an inconvenient delay, It certainly would create delay to a certain extent; but, after all, it was a question of confidence. If the banker had confidence in the person who wanted the money, he would lend it at once; and if he had not confidence, he would require time to obtain information. This was precisely what occurred at the present moment. If a banker had confidence in the person who applied to him, he lent him money upon the parchments which he produced; but if he had no confidence in him, he required time to examine into his title, and this, in most cases, would be longer than would be necessary for writing to London, and receiving an answer by return of post. The question, he repeated, was entirely one of confidence, and he defied any hon. Member to put it upon any other footing. He believed that the system he proposed would greatly facilitate equitable mortgages, and would afford a security to the lender which at present he did not possess. He had heard instances of bankers in London having been defrauded by persons borrowing money for the second, and even the third time upon the same estate. This never could occur if a register existed, unless through the negligence of the lender. As the office which he proposed to establish in London would be on a large scale, and conducted by men of great experience, who would be well paid, and would work well, the business would be conducted with great regularity, and would be less liable to error than in offices scattered over the country. One word with respect to county registration. It had not, in his opinion, been proved, that if the system of registration were not central it must necessarily be by counties. It must be obvious that, in some counties of small extent, where the transactions were few, the officers would have comparatively little to do, whilst in others they would be overworked. It appeared to him, therefore, that if either or both the bills at present before the House should go into Committee, the question would be, not whether the system of registration should be established in each county, or in London alone, but whether it should be confined to the metropolis exclusively, or extended to several districts of the country, so as to have four or five register-offices instead of one. If the House should be of opinion, that the principle of registration was bad in itself, and ought to be rejected, let it declare so by its vote, and not sanction even the domestic legislation suggested by the hon. member for Lincolnshire. By adopting this course, the House would relieve both him and his hon. friend, the member for Yorkshire, from the charge of the weighty measures which they had undertaken, instead of keeping them in suspense until the end of July. If, on the other hand, the House should be of opinion, that the principle of registration was good and ought to be adopted, he would suggest that both bills should be allowed to proceed to a Committee, in order to have two points determined.—1st, whether a register-office should be established in London alone, or whether offices should be opened in several districts of the country; and 2nd, whether the Yorkshire index, or that which he recommended, should be adopted. He wished it to be understood, that by allowing the Bill to be read a second time, the House would by no means stand pledged to the establishment of the London office, and his hon. friend also thought that, by reading his Bill a second time they would not be pledged to the establishment of district offices. All that they desired was, that the Bills might be read a second time, in order that they might decide what course should be adopted. He would not detain the House longer than by moving, "that the Bill should be read a second time."

Mr. *Heathcote* felt it his imperative duty to oppose the second reading of this Bill. With reference to what the hon. and learned Member had said relative to accidents arising from the loss or concealment of deeds, he must observe, that he had had the honour to present several petitions against the measure, from persons who he knew were incapable of stating a falsehood, which asserted that instances of that kind were extremely rare. If, however, the fact were as stated by the hon. and learned Member, the remedy proposed was worse than the disease. It appeared to him, that the hon. and learned Member's plan, so far from diminishing the number of accidents, would considerably increase them. It was absurd to suppose, that many deeds would not be lost in the course of their transmission to London, and that the most unfortunate results might not ensue from clerical errors in transacting the immense mass of business which would press upon the London office. A central office might be suitable to a small country like Scotland, but was wholly inapplicable to a great and populous kingdom like England. The plan might facilitate transactions with respect to great masses of property, but it would not with respect to small freeholds. The publicity which the hon. and learned Member's plan would introduce into money transactions would be in the highest degree injurious. It was unnecessary for him to dilate upon the advantages which society derived from the circumstance of persons being enabled to obtain temporary pecuniary assistance by depositing their deeds with bankers, or other capitalists, under a pledge of secrecy. This advantage, so useful to the commercial world generally, but especially to the agricultural interest at the present moment, would be altogether taken away, and that, in itself, was a sufficient reason for rejecting the Bill. It had been said, that the opposition to the Bill had been got up entirely by country attornies; but he would ask, whether there were no London lawyers on the other side? For his part, he would not challenge any man's motives; but he must be allowed to say, that the tendency of the Bill was, to remove to London, business which could be better and more conveniently transacted in the country. It was notorious, that, recently, many measures had been brought forward, the object or the effect of which was, to benefit the London at the expense of the country practitioners. By this new system of centralization—that, he supposed, was its name—London was everything, and the country nothing. With respect to county registration, he had less objection to that than to the plan of metropolitan registration. In conclusion, he must observe, that he scarcely ever knew a question against which such an unanimous feeling prevailed. To go no further back than this evening, there had been about 100 Petitions presented against the Bill, and only one in its favour. Persons of opposite political opinions, and of various degrees of wealth, from the richest landowner down to the humblest freeholder, had united in offering their opposition to the measure, and in compliance with the wishes of his constituents, and in support of his own opinions, he would move, "that the Bill be read a second time this day six months."

Mr. *Cayley* said, that the measure which he had the honour to introduce was founded upon the principle of locality. He had, however, no objection to act upon the hint which had been dropped by the hon. and learned Member, and to unite two or more small counties, if it should be found convenient to do so. His plan differed from that of the hon. and learned Gentleman also in this—that the index which he proposed to establish had undergone the test of 100 years' experience; but even upon this, he proposed to ingraft certain improvements which had been suggested by a committee of solicitors of the West Riding of Yorkshire. He congratulated the House on the conciliatory tone which had on the present occasion been adopted with respect to the system of district registration. No doubt could be entertained that this plan was more palatable than that which would establish a general register-office in London. The argument of the hon. and learned member for Southwark proceeded upon the principle, that the Yorkshire and Middlesex plans of registration admitted of no improvement; but he (Mr. Cayley), proposed to improve it as well as to extend its application. He, perhaps, as a civilian, ought to apologize for having introduced a measure of this nature, and the only excuse he could offer was, that he knew that similar measures were eyed with suspicion when introduced by lawyers. The principle of registration had been so often canvassed in that House, that he would not long occupy their attention upon that point. He might, however, be excused for stating the result of the applications which had been made by the Law Commissioners, chiefly to country attornies, for their opinions on the subject. The answers in favour of registration were 105; doubtful, fifteen; against it, twenty-four. The opinion of country attornies who generally transacted three or four branches of business in their offices, was, upon the present subject, of more importance than that of London attornies, whose practice was usually limited to one branch of the profession. One of his objections to the establishment of a general office in London was, that it would so diminish the practice of country attornies, that it would be no longer worth their while to reside there. If, however, a central office was to be established, why not fix upon Leicester for that purpose, that town being more centrically situated than London? The hon. and learned Member said, the establishment of a London office would be less expensive than that of district offices. Now, he had taken the trouble to inquire into the cost of the building of the office in the North Riding of Yorkshire, and he found that it was 800*l.* That in the East Riding cost 3,000*l.* He would suppose, that twenty would be necessary for the whole country, and that they would cost 3,000*l.* each; this would amount to only 60,000*l.* That ground of argument therefore, entirely failed. But the hon. and learned Gentleman stated, very justly, that the expense of the buildings would be merely the expense of a day, and the consideration of the greatest importance was the expense of the parties who should register for the time to come. Now, he (Mr. Cayley) thought, he should be able to prove, that the expense of district registration would be much less than that which would be inseparable from the establishment and maintenance of a metropolitan registry. The hon. and learned Gentleman had stated, that according to his plan, the cost of the transmission and registration of deeds might fairly be estimated at 5*s.* The hon. and learned Gentleman last year, however, had computed that expense at 1*l.* 5*s.*, and he (Mr. Cayley) believed, on the information of those who were well acquainted practically with the subject, that to register a deed would, on an average, according to the hon. and learned Gentleman's plan, cost somewhere about 3*l.* 3*s.* The hon. Member then read a statement made before the Committee by a gentleman named Shaw, of Leeds, who had given evidence as to a number of deeds registered at Wakefield between 1817 and 1833. A calculation had been made of the expense of registering ninety-one deeds, taken indiscriminately, and the office fees amounted to 31*l.* 3*s.* 8*d.*, which was at the rate of 6*s.* 8*d.* a-deed; the whole expense, including memorial, journey, and other incidental charges, was 218*l.* 2*s.* 1*d.*, which made the average 2*l.* 6*s.* 7*d.* a-deed. Deducting, therefore, the charge of the journey, which by this calculation amounted to 1*l.* 1*s.*, and the stamp on the memorial, which was 10*s.* more, and which was to be discontinued, an average would be left of 15*s.* 7*d.* a-deed, which, contrasted with the 3*l.* 3*s.* given as the probable average by those conversant with the subject, there would be a saving of 2*l.* 8*s.* on each deed, under the local system. The hon. and learned Gentleman had insisted on his plan of index, as if it had been peculiarly applicable to a metropolitan registry, whereas, if good in principle, it would extend also to Middlesex and Yorkshire. The hon. and learned Gentleman had quoted the high authority of Mr. Bell in his favour; and he (Mr. Cayley) would, on the other hand, quote the opinion of Mr. Bickersteth, who stated, that the symbolical index was of so intricate a nature, that it could not be understood but by practical persons, and who, therefore, preferred the index of names to one of places. In a case like this, he held, that experience was the best guide; and the Middlesex and Yorkshire registrars had now been in existence for 100 years; and he must be permitted to state, that Mr. Fenton Scott, registrar of the West Riding of Yorkshire, at the head of a committee of solicitors, had come forward in the handsomest manner, and offered to adopt any practical improvement which might be suggested in the present system. He proposed, that a yearly index should be made out in a dictionary form, which would be at once simple, plain, and intelligible, and would greatly reduce the difficulty of search. He would now take other ground, in order to meet the arguments for a metropolitan registry. The hon. member for the county of Somerset was opposed to all registries, and the Corypheus of that party out of doors was Mr. Hall, who had given evidence on the subject of registration, and who being a London barrister, not a country attorney, would be considered an impartial witness. That gentleman summed up his objections to a single metropolitan office thus—'First, Delays and loss of time as regards 'all dealings far from the metropolis, and 'which constitute the great mass of dealings. Second, Risks of absolute loss 'and of accidental delays by carriers, 'agents, &c., on the road to and fro, of 'the deeds and documents, which losses 'and delays will be especially felt by persons borrowing, who are often pressed 'for time, and whose safety from ruin 'may depend on time. Third, The greater 'expense to all persons in the provinces 'at all far from the metropolis, compared 'with the having the office a short distance from their own doors. Fourth, 'The necessarily unequal pressure of the 'expense and delay arising from distance, 'on different classes of purchasers, borrowers, &c., especially as regards small 'purchases, loans, and leases. Fifth, 'Supposing the register an open one, the 'greater difficulty thrown in the way of 'poor persons in searching the register 'for the discovery of frauds or suppressed 'rights. Sixth, As regards wills, it seems 'impossible, that one register alone in 'London should not prove a great griev-'ance to all but the rich; and it would be 'an absolute concealment (from the im-'possibility of poor persons paying the 'cost of search), of all rights and claims 'of such persons. Seventh, The induce-'ments which would arise from those ex-'penses, risks, and delays, for parties 'often to take all chances of title, and 'rely on presumed honourable dealing. 'Eighth, The difficulty of proving right 'to vote at elections, if a title to a vote 'depends on the metropolitan register, 'especially if the deeds are to be left in 'the custody of the office. Ninth, The 'vast accumulation, which must ultimately 'take place, of registers in one office, and 'the consequently increasing difficulties 'of searching, and risks of mistakes in the 'office and agents. Tenth, The impolicy 'of making one office in the metropolis, and 'under Government control, the sole de-'pository of all the titles in the kingdom. 'Eleventh, The impolicy of drawing, and 'even forcing into one focus in the me-'tropolis, all the law business of the king-'dom, and thus withdrawing from the 'provinces all their most intelligent attor-'nies, agents, &c., and making every title 'and dealing in land in the kingdom de-'pendent upon solicitors and agents, of 'whom, personally, the parties can know 'nothing. Twelfth, The great risk from 'fire, riot, and rebellion, where all the 'titles to all the lands in the kingdom are 'accumulated in one spot.' On the other hand, the advantages of local registration were summarily stated as follows:—'First, Facility of access; greater de-'spatch of business; less expense; and 'less risk of carriage, &c. Second, 'Promptness in settling affairs, a matter 'often of the greatest importance. Third, 'Business transacted more under the eyes 'of the parties concerned, and by solicitors 'and agents known to them, in whom 'they place personal confidence, and on 'whom they may satisfactorily rely. Fourth, 'Greater encouragement to complete and 'register all transactions, instead of leav-'ing transactions unregistered, and *in* '*fieri*. Fifth, Greater encouragement 'generally to make the office a register of 'all matters of evidence, and a voluntary 'depository of title-deeds, the same being 'then sufficiently accessible. Sixth, Great 'diminution of expense and trouble in all 'transactions of smaller value, and partial 'charges, leases, &c. Seventh, Greater 'facility given to parties to act for them-'selves, in searching and obtaining inform-'ation from the office, depositing deeds, '&c. Eighth, Greater facility for searches 'of wills, and for all supposed suppressed 'rights. Ninth, Greater facility of refer-'ence at elections, if the register be al-'lowed any influence upon the votes. 'Tenth, The advantage to the inhabitants 'of the district (whom it most concerns) 'of having the registrar and other officers 'more under their own eye, check, and 'animadversion. Eleventh, The advan-'tage of enabling the people to transact 'their affairs at or near their own homes, 'and within the notoriety (more or less) of 'their neighbours and fellow-citizens. 'Twelfth, The advantage of keeping up 'in all the provinces a wholesome distri-'bution of general business, a general 'knowledge of property-law, and a supply 'of well-informed, intelligent, and respect-'able solicitors and agents. Thirteenth, 'The greater independence of Govern-'ment power over and interference with 'the titles of the kingdom. Fourteenth, 'The less risk from national injury by fire, 'riot, or rebellion. Fifteenth, Local re-'gisters of deeds falling in much more 'conveniently with registers of wills and 'administrations, marriages, births, and 'deaths, and pedigrees, and local facts.' No better arguments could be given, and with greater ability, by a more impartial witness in favour of the local system. The hon. member for Essex had been examined in favour of metropolitan registration, and yet he stated that, in the vast number of transactions he was in the habit of carrying into effect, he had known greater delay to have occurred from employing London rather than country agents. With respect to equitable mortgages, he felt inclined to withdraw the part of his Bill which related to that subject, when it came to be considered in Committee, because Mr. Shaw had given it in evidence, that, in times of panic, when money was wanted very promptly, if they had to send to London from Yorkshire every time they had to search, very inconvenient delay would be occasioned, which sometimes would be attended with fatal consequences. As an instance, he would give the statement of a respectable practitioner at Sheffield, with whom he had corresponded during the vacation; who stated, that bailiffs were in possession under executions; and if mortgages had not been completed and deeds deposited on the same day with the bankers (which would be impossible under the metropolitan system), total ruin would have ensued. Had it not been for the facility of depositing deeds, and the consequent facility of search in 1825, when the panic prevailed at Wakefield, there would have been ten times more stoppages than had actually occurred. He could not help considering this a most important and solid argument in the present depressed state of the interests of the country against metropolitan, and in favour of a local system of registration. In the report drawn up by the then Solicitor-General reference had been made to the countries which had adopted registration; but he would ask, what evidence they afforded in favour of a metropolitan registry? There were registries in Bavaria, established in 1722, in Austria in 1758, in Prussia in 1783, but they were all local. There were registries in Norway and in Denmark, which had been established for centuries, and which, with those in Sweden and Italy, were local. There was not only a registry in New York province, but also in New York city, in Nova Scotia, and Geneva, which were all local; in short, not one of the examples adduced of the practice in foreign countries told against, but rather in favour of, local registration. He did not need to inform the House, that those which existed now in England—namely, in Middlesex and Yorkshire—were also local. As to Ireland, although they had a metropolitan registry in Dublin, he would mention the opinion of the hon. and learned Member for that city, who stated that, being in favour of local courts, he wished also to see a system of local registration adopted in Ireland. In fact, it held true as a general principle, that those who were in favour of Local Courts (and he presumed, as a noble relative of the hon. and learned member for Southwark, in another place, held so strong an opinion on that subject, the hon. and learned Gentleman himself was also favourably inclined towards it),—those, he repeated who advocated Local Courts ought, following out the same grand principle, to support also local registration. The same observation applied to Scotland, because, although they had now a metropolitan system, one of the witnesses from that part of the country stated, that a district or county registry would be much preferable. He would bring the matter to this test; he had made a computation and found, that of the witnesses examined 40 were in favour of a metropolitan system, 53 for a local system, and 15 favourable to both. He had given, in the former case, the hon. and learned Gentleman the benefit of those who were doubtful, in favour of the principle of registration generally; but, after further inquiry, he thought he was fairly entitled to class the 15 neutrals with the 53, which would give 68 in favour of local registration. As to the subject of memorial registration, he did not consider it so much a matter of principle as of detail, but still he was prepared to apply to it the same test. For all real purposes of registration, he thought a full-length copy of the deed was unnecessary, and a memorial was quite enough; and while there were 60 witnesses in favour of the former, 64 gave their opinion for the latter; and of those who sent communications from the country, but were not examined before the Committee, 58 supported the memorial, and only 32 the whole copy of the deed. He proposed doing away altogether with constructive notice, and that would get rid of the most objectionable part of the Yorkshire and Middlesex registries. On one point there was, at least, no difference of opinion,—namely, that if there were to be a registry at all, it should be full and complete. But he would entreat hon. Members to look at that important question in all its bearings. They should not lose sight of the fact that, at various times, attempts had been made to establish a system of general registration. In the 27th of Henry 8th, in the 5th of Elizabeth, in the 5th of Anne, and in the 6th and 7th of the same Queen, and, lastly, in the year 1815, Mr. Serjeant Onslow brought in a Bill for the purpose of accomplishing an object so often before desired. Not one of those attempts had been attended with success; and he hoped that the time would not come when a commercial and manufacturing country like England would be subjected to the evils of a general metropolitan registry; for he felt assured that it could not but be attended with the most injurious results. Looking at the evidence given before the Committee which had been appointed to inquire into the subject of registration, he confessed it filled him with surprise to find that so distinguished a lawyer as Sir Edward Sugden had been called before them.

Mr. *Brougham* interposed to say, that Sir Edward Sugden had been invited to attend the Committee, but had declined to be examined.

Mr. *Cayley* was not aware of the circumstance just mentioned. If the present Bill went into Committee,—that was, if they were to have any registration at all, it would be matter for the Committee to determine whether it should be a compulsory or an enabling Bill. It was clear, that a Bill of some sort they must have; and to prevent the measure of the hon. and learned Gentleman being brought before them Session after Session, they could not do better than adopt one of local registration. It would be a plan more consonant with the habits and feelings of the people of England, who at all times desired to have their affairs brought home as near to their own doors as possible. It had been said, that registration would be advantageous to the landed interest. In the present depressed state of that interest, he believed there was no one legislative measure capable of doing them so much service as a good system of registration. At the late meeting of the West Riding of Yorkshire, it was universally admitted, that the effect of the system of registration in that district had been to raise the value of land. Not only could money be obtained on mortgage with more facility than before, but a rate of interest one-half or a quarter per cent lower than before. If the Parliament were to adopt the principle of registration which prevailed in that part of the country and establish it generally, he was perfectly satisfied, that it would be attended with the most beneficial results to the agricultural interest throughout the kingdom. He had troubled the House at so much length from a desire to save their time upon another occasion, for it would be quite as well to take the debate then as at any other time. He concluded by seconding the Amendment.

Sir *George Strickland* said, that he should with great reluctance have trespassed on the House if he had not devoted as much time as possible to the question. He could not help congratulating the House and the country at large upon the altered tone which his hon. friend had taken, and with which the hon. and learned member for Southwark had brought forward the subject, when he contrasted it with the language he had held on former occasions. The hon. and learned Member had then declared, that the opposition to this measure emanated only from ignorant lawyers and still more ignorant country gentlemen. He was glad to contrast this opinion with the feeling which had been displayed at a powerful meeting in Yorkshire; he was glad to find that there was an admission that a system of local registration was practicable. He trusted that this measure for a metropolitan registry would stand no chance of being carried. If he were to express what was his own impression, it would be that, where such a contrariety of opinion prevailed upon such a subject, that House ought to hesitate long before it adopted any resolution to force this system upon the country in opposition to that which now existed. His own feelings were in favour of local registration; but he thought it would be hardly fair, in the present state of alarm with which the people contemplated this plan, to thrust this measure forward, unless, indeed, the people had presented numerous petitions in favour of it. It was only recently that the country was beginning to understand the meaning and purport of this Bill. His hon. friend said, indeed, that it only wanted to be known thoroughly to make it approved of. Now, he thought it only required to be thoroughly known to make it universally disliked. With reference to the Bill before the House, he said it was a great and fearful alteration of the law, —it was the adoption of a plan of which they had had no experience. By it the strong arm of the law was to force from a person the possession of his own title deeds, and to put them into a Government office. He knew, that the hon. and learned Gentleman said, that the measure was not compulsory—that was to say, a person might deposit his title-deeds in this office if he pleased. "Oh, no," said the hon. and learned Gentleman, "you are not forced to do so." Why, certainly, this measure did not go to this length, that a constable was to be sent after them to seize the deeds; but if they did not deposit them, according to the provisions of this Bill, they lost their estates. But, perhaps, that was a trifle merely. This experiment, again, was one which was perfectly novel. He might, indeed, be told, that similar instances existed in Sweden and elsewhere; but, from the tenor of the first report, which was made in 1829, upon the strength of which this compulsory measure was with so much confidence forced upon the House year after year, in spite of all the petitions against it, it was clear, that the Commissioners felt some diffidence and want of confidence on that subject. The Report of the Commissioners stated—"We are aware of the numerous and weighty obstacles to so novel and extensive a plan in a country of so great extent as England, where transfers of land are more frequent than in any other part of the globe, and where the disclosure of private affairs may be dangerous to commercial credit." He was not opposed to the registry of the memorial, as that would be a sufficient safeguard. Now, one of the first and greatest names which were to be found in favour of a general registry, was that of Lord Chief Justice Hale, who, however, whilst he expressed his confidence in this compulsory system, stated, that if the inconveniences arising from its adoption should be found to be greater than its advantages, in such case the plan should be rejected. He (Sir George Strickland) contended, that the variety of eminent men's opinions was so great, and the inconveniences so much proved by the opinions of very high authorities, that he thought the House ought to hesitate a long time before they attempted to force upon the country even the local registry by memorial. He trusted, however, that the House, upon full consideration of the question, would hardly be in favour of a general scheme of registration, by which the title-deeds would be taken out of the hands of the proprietors. The question was, whether they were prepared to put the country at large to a very grievous inconvenience, with the idea of remedying a few evils which very rarely occurred? He could prove, that many persons of great experience had never heard of any inconvenience having been sustained by reason of the suppression of deeds. He could quote the opinion of Mr. Byrkenshaw Thomas, of Chester, who had practised in the city of Chester for forty-six years as a conveyancer. He declared, that he had known but one case of the suppression of a deed in which some inconvenience arose; but the transaction was not attended with any pecuniary loss to the party concerned. He might refer, also, to the opinions of Mr. Preston and of Sir Edward Sugden, whose names stood so high in the profession and elsewhere, that he was convinced their opinions might be offered as authorities against any others which could be quoted—at least their opinions ought to be allowed to have some weight in the discussion of a question of this sort. The hon. and learned member for Southwark had quoted one solitary instance of abuse or evil. Now, there was no opinion to which he (Sir George Strickland) would be more inclined to pay great deference than that of Mr. Bell. His talents, his age, and his high respectability entitled him to the deference of every one; and if that gentleman had given an opinion strongly in favour of general registry, he should hesitate before he would pronounce an adverse opinion. That gentleman said, on the first occasion, "I have always entertained great doubt of the practicability of establishing a general registry, without its occasioning more evils than it would remedy. I fear the costs of search, and the carelessness of persons making the search. If we register by the names of grantors—John Brown has granted to P. Smith, who has conveyed to James Wilson, or other names of like frequent occurrence, and the registry comprehends a large district, it must be the business of a life carefully to examine the deeds." Mr. John Bell likewise said, "If I understand the system of roots and symbols, I should be in favour of the plan. I think I understand it. I am not sure that I do understand it." He might then say, he had some doubts respecting this plan, with such an authority before him. He might confess, that he did not understand the system of roots and symbols. Even a great lawyer then sitting under him admitted he did not understand this. The term symbol, however, was left out in this fourth edition of the Bill. If England were divided into nine districts, there would be 8,000 deeds registered in each; thus there would be 72,000 registrations, and hence must necessarily arise very great inconvenience. There would be no security to titles, and they would be most generously legislating for posterity. There would be, in twenty years, one million and a-half of deeds registered, that applied to "roots and symbols;" and let them consider how they would be enabled to trace titles in this mass. They must trace, be it remembered, every union, re-union, &c., connected by a certain chain; but if one link of that chain should be broken, the clue was then lost. It was the opinion of the Committee, that the index by roots was impracticable. Another topic to which he would refer, was the great inconvenience which this measure, if adopted, must entail upon the mercantile interest in respect to the deposits of title-deeds. The hon. Gentleman thought this the best part of his Bill; but, from the evidence produced before the Committee, it was held that there must be a total end of all equitable loans; and it was said, that it was thought this would be a benefit to the country. But would it prove a benefit to the country to withhold assistance to the mercantile interest? It appeared that, during the panic of 1825, the searches after title-deeds were so numerous, that the Registry-office in Wakefield, was, for some time, kept open day and night; and it was owing to the convenience of local registration, that perhaps hundreds of persons, bankers and others, were saved from ruin. Would not the House, then, hesitate before they would adopt this change? By this Bill, too, a man requiring to make a search, was to swear that he had an interest in doing so. The man might be an attorney, or he might send his clerk, to do this. If the system extended thus far, it might allow the man who swept an attorney's office to gratify his curiosity, for he might say he had an interest; and yet they had experience of the danger of exposure. He alluded to the case of Gascoigne against Hunt, in which Mr. Gascoigne was put to the expense of two or three heavy lawsuits, in consequence of the Commissioners of Public Charities calling upon him to produce his title-deeds. This matter was afterwards brought before the public. Some person thought that he could pick holes in the title, and the party was obliged to try three suits, and as many in Chancery. So far the party was successful; but much depended upon what should take place hereafter. Now, who laid hold of this document? Why, it was said, that there were many persons practising as attornies in London who made their livelihood by finding out flaws in title-deeds, and then made bargains with parties that, if they were successful, they should have a considerable share of the property. In a very able pamphlet which had appeared, by a solicitor of the town of Leeds, Mr. J. H. Shaw, that gentleman observed:—'The Bill leaves no option, but compels 'every man, whether it suits his convenience or not, or is agreeable to his feelings or not, to expose his whole deeds in 'the Register-office. I call this tyranny 'and oppression. I say expose the whole 'deeds, for I will not stop to brush away 'the miserable cobwebs introduced into 'the Bill which are dignified with the 'name of restrictions on the right of 'search. The Commissioners for Charitable Purposes, in the exercise of their 'functions, compelled Mr. Gascoigne to 'produce a deed, and the consequence 'has been, that he has already had to defend three tremendously expensive trials 'at York, and I know not how many suits 'in Chancery. He has so far succeeded. 'But is the anxiety nothing? is the expense nothing? If he had been a poor 'man he must have been crushed by the 'expense, though successful in the trials. 'The law-suit against Mr. Gascoigne originated with some persons in London, 'said to be attornies. I understand these 'persons make a trade of hunting after 'flaws in titles, and that yields them a 'pretty good harvest.'—Now, as to the expense of building offices for local registry, if that would tend to prevent the present expensive system, he saw no objection to their erecting such places as might be necessary. Sir Edward Sugden had suggested that, in the event of this measure being put into practice, the Post-office must employ a great number of porters to carry 72,000 title-deeds which must be then forwarded by the Post-office. Now, however well the Post-office might be conducted, he, for one, would not be compelled to send his title-deeds by that conveyance. He believed, however, that the establishment was not so perfect as it might be. It was only a few weeks ago he had presented a petition from a town in Yorkshire, complaining of the manner in which the Post-office was conducted; and, since that period only, he had heard that the mail-bag had been twice lost. The circumstances had been represented to the Postmaster-General, and he referred the matter to some Post-office inspector—a person whose appointment was perfectly useless, to cover the defects of the country postmasters, and these men defended every abuse. It was, indeed, most difficult to get redress in such cases; and there was always great difficulty in removing country postmasters of bad character. He, therefore, objected to his title-deeds being sent to a metropolitan register office by the post. But wills and title-deeds, also, were to be sent up to London by these means. Accustomed as he and other hon. Members acquainted with Yorkshire were, to search for wills which were deposited in the cathedral of York, where they considered that those wills were placed in perfect security, he did not think that they were called upon (and, indeed, he was opposed to any such proceeding), to give up the advantages which they now possessed. The real principle of security was, that every man should have the means within his own power to show his right to his property. The hon. Baronet quoted, at great length, the opinions of Mr. Preston and of Sir Edward Sugden. The former of these authorities had declared himself thus—"Question—Are not the expenses now incurred in the transfer of Real Property very heavy?—Answer: Very heavy! ruinously so! But they will be greater hereafter, under the new system." Again, he observed,—'That, when a member of the House of 'Commons, he had opposed registration, 'from a conviction that it was not adapted 'to the laws and transactions of this country.—Do you still retain that opinion?—'I do. I admit that advantages might be 'gained as applied to large purchases. 'The purchases under 1,000*l.* are ten times 'as numerous as those above. The object 'of registration is to secure purchasers and 'mortgagees against fraud; and if frauds 'are so extensive as they are represented 'to be, perhaps it might be expedient, even 'at the enormous expense which is to be 'incurred. But there is not one transaction in a thousand in which there is 'fraud? By registration, a very large expense will be incurred, by taking 999 'persons, in order to save one, out of '1,000. Sound policy, and economy, 'must weigh the expense to the public as 'a body.' Sir Edward Sugden held, 'that 'the State would possess all the title-'deeds of all the property in England. If 'the curse of a civil war were to fall upon 'the people of England, few would like 'the opposite faction to be in possession 'of their title-deeds. The office should 'be accessible; and, therefore, it should 'be local. No man's right should be 'wantonly broken in upon; therefore no 'man's title-deeds should be taken from 'him. In a few years, a general register 'would destroy itself by its own enormous 'weight.' The hon. Baronet concluded his remarks, by protesting against a system which went to force a man to give up his title-deeds. The opinions of the highest authorities were so strong, and preponderated so largely, as he conceived, against the measure, that he trusted the House would not accede to the motion of the hon. and learned member for Southwark, who had tried, by intreaties, to induce the House to pass this Bill as only going to the mere principle of registration, whereas the principle really was metropolitan registration, with the deposit of title-deeds. He would close his observations in the words of Chief Justice Hale—"Experience and inquiry have proved, that the inconvenience of a general system of registration would be greater than the benefits to be derived from it; and, therefore, it ought to be rejected."

Mr. *Lynch* said, that no person entertained greater respect than himself for the opinions of Sir E. Sugden and Mr. Preston, but it so happened that he could, on this question also, quote opinions of able men on the other side. He might call in evidence, Mr. Sanders, Mr. Humphries, and Sir Samuel Romilly; and he was enabled to state, that no one was more strongly in favour of registration of deeds than the late Mr. Butler. Of the two modes of registration suggested, he confessed, that he preferred metropolitan to local registration; but let him see the deeds deposited and enrolled, and also a good index provided, and he would not object to local registration. For many reasons, metropolitan registration was the most advisable, and that House ought not to legislate on the chance of a civil war, or the contingency of a tumult. The possibility of a rebellion might as well be urged as a reason for not permitting wills to be deposited in Doctors' Commons. Besides, was there no danger of riots in market-towns in the country? Had no tumults occurred at Bristol or at Nottingham? He should not therefore suffer himself to be shaken in his conviction of the advantage of establishing a metropolitan registry-office, by the assertion that it might be in danger, in the event of a civil war breaking out. An hon. gentleman had expressed an apprehension, that the country solicitors would lose their business, if a system of metropolitan registration was established. He denied, that any such result would ensue. If a metropolitan registration was established, an individual purchasing an estate would go to his solicitor in the country, and direct him to prepare the deeds as heretofore, a duplicate of which would be sent to the office in London. This was the only alteration that would be made. It was a remarkable fact, that the set of men who would be most injured by the registration of deeds — namely, the conveyancers — were yet the most favourable to it, because they thought it would be advantageous to the public. Agreeing with the hon. member (Mr. Cayley) as to the necessity of registration, he differed from him as to the mode. He objected to any system of registration, of which the deposit or enrolment of deeds did not form part. If they depended on a memorial, the validity of any transfer of property must depend on the accuracy of that memorial. He thought, too, that the deposit of a simple memorial would tend to increase expense. All that was required under the bill of his learned friend (Mr. Brougham), was the enrolment of a duplicate of every deed; but if the system of memorial was preferred by the House, it would be necessary for parties to prepare in vellum a short abstract of their deeds, to be attested by two witnesses, and signed by themselves. Now, no solicitor would assist in the preparation of this abstract without charging pretty highly for his labour, and to this was to be added the expense of transmitting the memorial to the place of registration, accompanied by the witnesses. He had no doubt, that the House, on comparing this complicated proceeding with the simple transmission of the duplicate deed, would decide in favour of the latter. If a memorial only were registered, doubts might be raised as to the validity of the title, which could only be removed by the production of the deed; and if that deed happened to be lost, a difficulty would be created which could never be overcome. He recollected a case brought before the House of Lords some years ago by a party who had bought an estate in Ireland, and wished to get rid of the purchase. He found a memorial only on the registry, and he demanded the production of the deeds. They were, however, lost, and could not be produced, and Lord Redesdale, in consequence, refused to confirm the purchase. It was said, that great inconvenience would arise from giving publicity to these documents, but it was well known, that wills were open to public inspection in Doctors' Commons, and yet he had never heard of any evil arising from it. What was the nature of the transactions which took place with reference to deeds? They consisted either in transferring the property, or in effecting mortgages, or making family settlements. In cases of transfer, there could be no desire for secresy; and, with respect to mortgages, was it, he asked, fair, that they should not be disclosed to the public? Supposing that a company of bankers, in whom the people placed trust, because they believed them to be men of property, mortgaged their land, ought that House to allow them, by keeping the mortgage secret, to obtain credit for that to which they had no title. With respect to family settlements, the whole family was interested in them, and therefore ought to be made acquainted with them. These settlements were sometimes contained in wills; and he repeated, that no inconvenience had been felt from their publicity. It had been objected, too, that young men were frequently ruined by borrowing money on the security of property to which they were to succeed, and that this evil would be increased, if they were permitted to have access to the deeds. In his opinion, an entirely opposite result would be produced, and he believed that those young men would be able to borrow money on better terms, if they had access to the deeds, and could show their title. He entirely disapproved of the alphabetical index, which formed part of the plan of the hon. Member for Yorkshire. He knew an instance in Ireland, of the search after a deed costing 600*l.*, in consequence of the trouble occasioned by the alphabetical index. He could also state, on his own knowledge, that a London solicitor was occupied for weeks in searching for a deed in Yorkshire. [*Hear.*] He was not ignorant of the meaning of those cheers. His statement was supposed to furnish an argument against registration, though, properly considered, it was only an argument against a defective system of registration. The index proposed in the bill was, in his opinion, a perfect index, and, in the event of its being adopted, he would venture to say, that a search, instead of extending over a space of weeks, and costing an expense of 600*l*., would not occupy more than a single day at the most, nor cost more than a few pounds. Supposing that a person, whom he would call A, desiring to avail himself of the benefits of registration, went and got his deed registered; he would receive a number or symbol, say No. 10, with a reference to the book in which the deed was entered. When that was done, the registration was complete. If A wanted to mortgage his property, he would show this No. 10 to the intended mortgager, who would have nothing to do but to go to the registration-office and search for No. 10. The same course would be pursued, supposing that A. wished to sell his property entirely to C. No plan could be more simple or convenient than that. If C sold a portion of the property to D, D needed only to go to the registration-office, and get a ticket numbered 20, on which a reference would be made to No. 10; and then, if D sold his property again to E, he had only to show his ticket, No. 20, which would enable the purchaser to obtain all the information he could desire respecting the title. The question of the index came under the consideration of the committee up-stairs, and that committee had approved of the principle on which the index in the Bill of the hon. and learned member for Southwark was established. Mr. Bell had always been in favour of registration, though Mr. Bell said that he was afraid of the index. However, when the index adopted in the present Bill was explained to him, he said, that he was perfectly satisfied, and expressed his confident expectation, that it would be found to work well. With respect to local registration, there was a difficulty which he wished to explain to the House. One of the advantages of local registration was founded on the supposition that the party desiring registration must be resident either within the town where the local registration-office was established, or within a few miles of it. If, however, a party lived at a distance of thirty or forty miles from the place, he might more easily communicate with the metropolis than with the county town. Supposing that a person residing in Lincolnshire purchased an estate in Cornwall, would not the establishment of a general registration in London be more advantageous to him than a local one in Cornwall? A general registration would, besides, have the effect of rendering all proceedings uniform, and of causing them to be conducted with the least possible expense. He understood, that the expense of carrying the deeds to the Yorkshire registry exceeded the estimated cost of the transmission of the deeds to the metropolitan office. On these grounds he should give his vote in favour of the Bill proposed by his hon. and learned friend the member for Southwark.

Lord *Morpeth* had no difficulty in stating, that the sense of that riding of Yorkshire which he had the honour to represent, and which it was hardly necessary for him to say contained a number of persons of large landed property, was almost unanimous against the Bill of his hon. and learned friend, the member for Southwark; a feeling which he had no doubt that riding only shared in common with the other ridings of the important county of Yorkshire. He thought, it could not be denied that the wishes of the constituency ought to have great weight with every member of that House, in reference to all matters which bore on private concerns, and on the administration of property. Unquestionably, the sense of the people of Yorkshire was favourable to the system of registration which they possessed, and not to the system proposed by the Bill of his hon. and learned friend. They were very willing to amend any defects which might appear in their present system, but the system itself they were desirous of retaining. It was his intention, therefore, to vote, not for the Bill of his hon. and learned friend, the member for Southwark, but for the Bill of the hon. member for the north riding of Yorkshire, in order that an opportunity might be afforded of considering how far the principle of registration contained in that Bill might be applied to certain local districts; leaving open other points for future settlement. Whatever might be said in favour of metropolitan registration — and many very plausible arguments had already been stated in favour of it—it would undoubtedly be exceedingly onerous in many respects, especially to small landed proprietors, and it would be difficult to guard against the inquisition into every man's property which might be undertaken by any designing or curious or otiose individual. He did not think, that the principle of registration could be carried beneficially into effect with respect to the great mass of the people, except by having it in comparative reach of their own doors, to be transacted by their own agents, and to be subject to their own inspection. He must, therefore, vote against distant registration.

Mr. *John Romilly* said, that his bias was in favour of metropolitan registration; but it was not so strong as to make him determined to reject the Bill of the hon. member for Yorkshire, if he could not obtain that of the hon. and learned member for Southwark. He was, however, strongly of opinion, that registration should take place either by a deposit of the original deeds, or exact copies of them, which should be equally valid with the originals in a court of law. He believed, that registration would be attended with this good effect, that, after the lapse of a certain time—twenty years for instance—perfect security of title would be obtained. The main object of the measure was, to protect the real *bonâ fide* purchaser of property from claims of which he had neither any knowledge nor any notice. The hon. member for Yorkshire, in his disapproval of the Bill of the hon. and learned member for Southwark, said, that if they adopted that measure, they would be legislating for posterity. No doubt they would; but was not that what they were doing every day? It was impossible to enact any measure not likely to affect the interests of posterity as well as the interests of this generation. If no objection could be urged to the principle of the Bill (upon which he believed most of them were agreed), he thought it would be right to read the Bill a second time, and let it go into a Committee, when any objections made to its details might be amended, or the objectionable parts removed. The objections hitherto raised appeared to him to arise from misconception of the measure itself, or a misunderstanding of what had been said upon it. One of the objections mentioned by the hon. Baronet (Sir George Strickland), that it would be productive of confusion, bore very slightly upon the principle of the measure, and could not happen under a due system of registration, such as that proposed by this Bill. Besides, he was of opinion, that a disclosure of the nature of deeds could not of itself be productive of injury to the owner of the property, because the inquiry would have reference, not to the past, but to the future. Much stress had also been laid upon the hardships which would arise to merchants if obliged to expose their affairs, by showing the extent to which their property was mortgaged; but he had conversed with many eminent merchants of London upon this subject, and their unanimous opinion was, that no injury could arise to the merchant from such disclosure: on the contrary, secrecy on the subject must be alike injurious to his creditors and his family, who would get something if he stopped at first while he had property and funds at command, instead of struggling on until his affairs became irretrievable. He would take a case, that of a person living upon a nominal 600*l*., but having really only 400*l*. a-year. Would it not be better, that such person should suffer a little pain at first by having his affairs inquired into, than have his family reduced to beggary and want? With respect to the objection, that the title-deeds would be taken from the possession of the owner, it could not apply, for they would be at his command when he required them. As to what had been said of the expenses attending small purchases and small properties when they changed hands, he thought they might be diminished by shortening the law proceedings respecting them. That was the legitimate mode of diminishing that expense, and not exonerating them from a process by which the title would be rendered secure. The expense was now augmented by requiring additional deeds in order to prove the title. Another point relied on was the difficulty which this Bill would throw in the way of raising money. He, on the contrary, thought, that the Bill, instead of raising difficulties, facilitated the means of raising money, as it would enable any gentleman to take his deeds to his banker, who would at once be enabled to see how the property stood. As to the suppression of deeds, he agreed with the hon. Baronet (Sir George Strickland), in thinking, that such occasional losses were not sufficient of themselves to justify the imposition of a heavy expense upon the whole community. The advantages, however, of the Metropolitan Registry Office would be, first, that they would only have the expense of one establishment; secondly, they would have the expense of only one set of officers, and, in addition to this, they would avoid the expense attending the registration of a property lying in two counties (which would be very high). As to the objection which had been urged, on the chance of an invasion, or civil war, or insurrection, surely all other parts of the kingdom were equally liable with London to such disasters as these. In any such event, it mattered not where these deeds were kept, but even then, a duplicate of the deed would be found of service. The hon. and learned Member concluded by supporting the second reading of the Bill.

Mr. *Ayshford Sanford* could not concur in the view taken by those who saw such advantages in the Bill. He had heard much about security of property in Yorkshire in consequence of the system of registration adopted in that county, but he would venture to say, that property was not a whit more secure in Yorkshire than any other county in England. He did not think, that property in Yorkshire was worth a single year's purchase more than that of any other county. The best proof of this was to be found in public feeling, and public opinion, both of which were in his favour upon this point; and, therefore, this was no argument in support of local registration. As to the possession of deeds, he believed, that few deeds remained long in the hands of their owners after obtaining possession of the property; they must pass into other hands before they became, if he might say so, legally his. The theory of registration was one thing, and the practical effect of it, together with the present expenses of conveyancing, was another thing. A very large proportion of the transfer of property did not take place in London, but in the country; and the country practitioners were quite competent to discharge their duty in the most effectual manner to their constituents. Recitals were necessary to deeds, particularly if titles were of ancient date; and even at so recent a date as twenty years gone by. The proposed registration would be attended with very considerable expense, and that expense, the majority of persons having an interest in conveyances and estates were not disposed to bear. He considered, that the proposed Bill, or any other founded upon similar principles, would prove prejudicial to the interests of the public. Whenever any Bill likely to do away with abuses, could be introduced upon this subject, he would not oppose his individual opinion against that of lawyers of respectability.

Mr. *Duncombe* said, that although he looked upon the present measure as one of the greatest importance to the country generally, yet he should not trespass more than a very few minutes on the attention of the House, because the subject had already undergone such a full and ample discussion. He should feel, however, that he was abandoning his duty to his constituents, and as a Member of that House if he did not offer a few remarks before the discussion closed. He thought he had a just right to complain of the conduct of the hon. and learned member for Southwark, to whom a representation had been made, that the system of registration at present established in Yorkshire, had perfectly succeeded, and was found to work well for the advantage of the property of the county, and requesting that that county might be excluded from the provisions of the Bill now before the House. This application the hon. and learned Gentleman had, in his discretion, thought proper to reject, without having one single reason, or at least without assigning any, for doing so. The hon. and learned Gentleman had certainly said, that he did not consider the system of registration in Yorkshire, so perfect as had been represented; but this objection came with a very bad grace from the hon. and learned Gentleman, because it undoubtedly was owing to the agitation which he had himself created and kept up on this subject, that many improvements which were in contemplation in the registration of Yorkshire were not proceeded with and completed. He was happy to state, that the people of Yorkshire were, almost to a man, unanimous in their reprobation of the present Bill. A number of petitions had been presented from various parts of the country against the measure. He had himself presented some; and the hon. Members for the East and West Ridings presented several others, praying that the people of that country might not be compelled to resign to the keeping of the hon. and learned Member, or to any other person all their title deeds. The opinion of Sir Edward Sugden on this measure was decidedly opposed to the propriety of such an enactment. The hon. and learned Gentleman might sneer at the opinion of such a man as Sir Edward Sugden; but he (Mr. Duncombe) believed that few men could be found who would disregard the legal advice and judgment of that Gentleman. The opinion of Sir Edward Sugden was, that this measure would do great injury to the middle classes, and to society at large, and that it would lead to a great and unnecessary expense. Mr. Preston, another eminent law authority, was opposed to the measure; and in speaking of a metropolitan and local registry, he said, that for himself he would prefer a metropolitan registration; but he would prefer a local registration for the public. He (Mr. Duncombe) was convinced, that nothing but actual force could compel the great majority of the people of this country to transfer their title deeds to the metropolis. The resistance by force could not very well be objected to with any consistency by the hon. and learned member for Southwark, who, he believed, had on one occasion counselled his constituents of that borough, to resist the payment of the Assessed-taxes; and that advice had been acted upon to a degree, and with an effect greater than the hon. and learned Member expected. He trusted the House would now reject this measure; and that the hon. and learned Gentleman would never again attempt to repeat it. He was at a loss to know why it should be attempted again to be introduced, after having been rejected last Session. It was a question connected with the agriculture, and must be injurious to the best interests of the country. He would therefore oppose the Motion.

The *Solicitor General* observed that this Bill had hitherto been debated upon grounds which had diverted the House from the consideration of the real point at issue. There were two distinct points involved in this Bill—first, whether there should be a registry at all; and secondly, if there was to be a registry, was the mode of accomplishing it proposed in the present Bill the best mode that could be devised? From the speeches which had been that night delivered in the House, one would think, that no doubt existed as to the propriety of establishing a registry, but that all the difficulty arose about its details. He was afraid, however, that when the House divided, it would turn out that there were many who thought that we ought to have no registry at all. There was no question in which the landed interest were so deeply interested, as that which would enable them to have their titles so ready as to be producible at a moment's notice to any purchaser. One great point with every vendor must be to make the purchaser secure. Now, there was a great difficulty on that point at present. The purchaser must take his title from a person who had an interest in concealing any defects that might be in it, and who might even have created secret trusts and covenants, which there was no means of discovering without his assistance. He might be told, that these concealments of defects in titles were not of common occurrence; but that they did occasionally occur was matter of notoriety to every man in the profession. Take, for instance, the case of a gentleman who sells his estate. He has created one equitable charge upon it, and he afterwards proceeds to create another. He conceals the first, and, after committing that fraud, completes the sale of his property. Now, by that sale, one person must suffer, and a code of law had absolutely become necessary to say which. The registration would secure all parties from loss, by showing that there was no other person who could come into competition with them. What a state of things must there be, when it became necessary to have a code of law to settle the doctrine of constructive notices! Ought a wise Legislature to leave things in such a situation that a person, after using all due diligence, could not say that he had secured himself in his title? Was it not right that the state of titles should be so arranged, that parties purchasing land should know at least what they were dealing for? Those who had committed or were contemplating the commission of frauds, might reasonably enough object to registration; but why should any honest man object to it? Why should any honest man be afraid of it? A man might have objections to giving publicity to his pecuniary embarrassments; but ought that consideration to prevent the House from voting for a measure which was calculated to secure the integrity of transactions? Most of the gentlemen who had spoken had admitted, that registration was in itself a good thing; but then they asserted that it was impossible to carry it into effect as a general measure. At present the House was discussing the principle of this Bill, and that principle was registration. Now, was it not the practice of the House to send bills, of which the principle was not disputed, into Committee, to see whether the details by which the principle was to be carried into execution could not there be settled to the satisfaction of all parties? He believed that such was the practice of the House; and that being the case, he should abstain from entering at present into the comparative merits of local and metropolitan registration. He was afraid that in their disputes about the mode of carrying the principle of this Bill into effect, they would lose the principle itself. If the House had merely doubted about the mode of effecting the registration, they ought to read the Bill a second time, and then discuss the mode in Committee. Registration was desirable if practicable, and he would go into the Committee to ascertain whether it were practicable.

Mr. *Pease* objected to the Bill. Why should the freeholders of this country surrender their rights as Englishmen for a security of which they did not see the use, and of which they did not appreciate the value? There were two principles involved in this Bill—first, the principle of registration generally; and secondly, the principle of a metropolitan registration. To the last his constituents objected in the strongest manner. They stated, that they resided at a great distance from the metropolis—that they would be put to great expense by sending up their deeds to London for registration—that they would incur great risk of losing them in the transmission to and from the metropolis—and that they would be impeded in their efforts to raise money to meet temporary pressure by the necessity of having the loan registered, or be injured in their securities by not having them duly registered. The average expense of each registration in the metropolis, upon the lowest estimate given by the witnesses examined before the Committee, would be 3*l*. He believed that, if the House would afford him time, he could prove that the average expense would be much more. The probable amount of the number of registrations in each year would be 200,000, and thus the country would be saddled with an additional tax of 600,000*l*. on property. The hon. and learned member for Southwark said, that "considerable practicable perfection" in the security of titles would be accomplished by his system of registration. Now, if that "considerable practicable perfection" did not take place, into what an inextricable mass of error, as regarded the titles of property, would the country be plunged! Individuals would be exposed to much inconvenience and injury by that clause in the Bill which enabled any ill-natured person, who had no just ground for doing so, to enter a *caveat* at the metropolitan office against any man's title. By agreeing to such a measure, the House would place both the agricultural and the commercial interests of the country in a position of great difficulty. It would prevent them from obtaining money on the deposit of their deeds to meet any temporary run to which they might be exposed, and which, if they could not stop it, might be productive of their ruin. He placed little weight on the argument which might be urged against this system of registration from the liability of the Registry-office to be destroyed by fire or violence. But the office of the prefecture had recently been destroyed at Lyons; and if a similar calamity were to befall the metropolitan Registry-office, to what a situation would the landed interest of England be reduced when suddenly deprived of all their deeds and muniments! It might be said, that only the duplicates of such deeds would be deposited in that office. He thought, that it would be the deeds themselves, for few people would go to the expense of making out duplicates of their deeds. The freeholders of England were satisfied with their present securities, and they were treated with hardship when a measure for their pretended protection was forced upon them against their will, and against their conviction of its necessity. He could assure the House, that such was the feeling of all the small freeholders, in the north of England. Why should his constituents, why should their neighbours, the freeholders of Northumberland, be compelled to send their deeds up to London, exposing them not only to the risk of being lost in their Solicitor's office in the country, or in his agent's office in town, but also to the risk of being lost in the various transfers which they must undergo from one coach to another, at Newcastle, at York, and the other stages between Berwick and London? Besides, if those deeds were sent by any public carriage, the parties sending them must pay a heavy postage, and a heavy insurance. In that way, therefore, this Bill could not be carried into operation without inflicting a heavy tax on the smaller landowners. Then there was another grievance arising out of the undue publicity which would be given to the private arrangements of families by this registration of deeds. It was said, that it was of no consequence that the title-deeds of gentlemen, their family arrangements, their marriage settlements, the fortunes of their sons, the portions of their daughters, should be exposed to public view. In that assertion he could not concur, and to any plan which gave to those arrangements such publicity, he, for one, would never give his consent. By an Act of Parliament passed in the course of last Session they had rendered all freehold estates liable to the payment of simple contract debts. In consequence of that Act, every tradesman, every petty shopkeeper, would have a right to inspect every title-deed of every nobleman and gentleman who dealt with him. Greatly as he appreciated the feeling, that no man should assume the possession of property which, in point of fact, he had not in him, still he must say, that the gratification of idle curiosity, which this Bill would enable ill-natured individuals to enjoy, would be productive of cases of hardship to families, which it was impossible to contemplate without horror. He contended, that there would be great difficulty in carrying this Bill into execution, even supposing the House to agree to it; but he hoped, that the House would not agree to it, as it was hard that individuals should be plunged into expense, which was unknown and scarcely tolerable, for the sake of advantages which were at best contingent, if indeed they were not altogether visionary.

Sir *William Horne* was understood to express an opinion not very favourable to registration; but when he reflected that the system of registration had worked for a century in Yorkshire without any complaint being made against it—when he reflected that it had also been in force for many years in the metropolitan county—and when he also reflected, that it was a system which had long been successfully established in the sister country,—he was not bold enough to put his own private opinion against the establishment of a system, which, in various parts of the empire, had practically worked so well. He therefore felt it to be his duty to vote for the second reading of this Bill. He should give that vote with the less reluctance because the question embraced the registration of deeds both as regarded a local and a metropolitan registry. As to the practicability of registration, they had the experience of a large portion of the empire. They would therefore be able in the Committee to bring the abstract principle of the Bill to the test of practical experience. Whether the result of the discussion in the Committee would lead us to adopt a metropolitan or a local system of registration, he could not at that moment decide. In his opinion, many points of great local difficulty would start up against a metropolitan registration, if they did not start up also against a local registration. In the Committee these points would be best examined; and he thought, that the House would best discharge its duty to the public, who desired this question to be investigated, by discussing it in a Committee.

Mr. *Cutlar Fergusson* said, that he should vote for the second reading of this Bill, on the ground, that it was a question of registration or no registration, and not a metropolitan or local registration. To the experience derived from Yorkshire and Middlesex, as to the benefit of registration, he could add the experience of Scotland also. The system of registration had existed there for more than two centuries, and owing to its existence every man felt that his title to his property was secure. Every man there also felt, that if he had occasion to borrow money on his estate, in justice he ought not to conceal from the lender the encumbrances which he had placed upon it. It was said by some hon. Members, as an objection to this Bill, that they must deposit their title-deeds in the general registry before they could obtain mortgages; now, that he denied, for he held himself title-deeds, and if others also held theirs, without any necessity for raising money upon them, they would not be under any necessity of depositing them in any registry, whether district or metropolitan. If Gentlemen wanted to borrow money, and intended to deal fairly with the lenders, they ought not to refuse showing their title-deeds. It was truly said, that the law, as it now existed, was very defective upon the subject of proof of title between lenders and purchasers, inasmuch as it was expected, that purchasers were presumed to know the actual amount of encumbrances upon estates on which they lent money. But that, under the present system, was impossible; and he would put it to the House, should such a state of defective law, leading to fraud and robbery, be any longer suffered to continue? The great object of this Bill, as he understood it, was to prevent fraud, not unnecessarily to expose or injure the interests of lenders or of borrowers of money. On these grounds he was prepared to support the second reading of this Bill. While he said this, however, he was by no means disposed to pledge himself to the propriety of a general or a district registry of deeds. He believed, that as a general principle, it would be most desirable to have a registry of deeds, not, as he had before said, with a view to expose the difficulties or embarrassments of persons who sought to borrow money upon their titles to property, but with a view to secure those who advanced their money, that they were not advancing it on fictitious titles, or upon titles the value of which might have been already pledged or mortgaged for more than they were worth.

Mr. *Tooke* said, that the possessors of landed property were desirous, that their affairs should not be interfered with, and exposed in the manner proposed by means of a general registry. The effect of such a measure would be to deprive persons of the facilities possessed for borrowing money on equitable mortgages, because the evidence to be obtained in the Registration-office would not satisfy the lender, and duplicates were no security. He was not disposed to concede the convenience of any registration whatever. He desired time, in order to enable them to judge of the effect of the several measures recently adopted with respect to real property, and for the improvement of conveyancing—measures to which it was necessary to give a trial before adopting such a system as was now proposed. He wished to avoid the risk of an experiment from which there would be no means of retreating if it were found unsuccessful. The hon. member for Southwark had himself stated in the strongest manner the appalling consequences of the measure not being perfect, and the indexes free from error. This admission showed the danger of adopting the plan. Look at the consequence of clerical errors in the Registration-office—the effect would be to throw the burthen of all losses incurred by them upon the Consolidated Fund. Petitions had been presented from every quarter of England, deprecating this measure, and but one solitary petition was that day presented in favour of it. The Commissioners themselves in their Report expressed a doubt, whether the expense of small purchases would not be increased by a general register. They found fault with all existing registries, and it would appear that in their opinion it was better to have no registration at all, than to adopt any system now in use. The Yorkshire registry was admitted to be imperfect, and Middlesex was said to be in a worse situation than if it had no registry at all. He denied that the present system gave a single shilling of additional value to property in Yorkshire or Middlesex. With respect to the Registry in use in Norway, a friend who had recently returned from that country had informed him (Mr. Tooke), that the transactions concerning real property in the borough of Brighton during the space of one month exceeded those that took place in Norway in the course of a whole year; therefore it was impossible to argue from anything that took place in Norway, or to pronounce upon the fitness of a registry in this country from its adoption there. The present was one of the most extraordinary attempts he had ever witnessed to force a system of registration upon people, who being deeply interested in the result, objected to it in the strongest manner. He did not agree with the hon. member for Marylebone as to the advantage of discussing the details of the measure in Committee. The petitions which had been presented were conclusive to his mind, and determined him in his opposition to the measure. The imputations thrown upon the profession of the law both in London and the country were unjust and unfounded. He was satisfied, that their clients reposed the utmost confidence in the members of the profession, and did not suppose that their opposition to the measure arose from interested motives. The solicitors of London were to a man opposed to the plan; and the Incorporated Law Society of London would have petitioned against the Bill, but that its members shrunk from the imputation which might have been cast upon them, and did not wish to incur the risk of having their opposition ascribed to improper motives. The evidence of Mr. Bell, which had been referred to by the hon. member for Southwark, was by no means conclusive or free from doubt in reference to the subject; and another witness admitted, that he was decidedly hostile to the plan up to the time of his appointment as a Real Property Commissioner. In fact, he could not find any individuals but the Commissioners who were disposed to support the proposition, and those learned gentlemen might have done so principally because they thought it necessary to propose something in relation to a subject which they were appointed to investigate.

Lord *Robert Grosvenor* said, that he was Chairman of the Committee on a General Register of Deeds Bill, and that nothing could be clearer or more conclusive than the evidence of Mr. Bell, who certainly could not be called a reluctant witness. His evidence, and that of Mr. Duckworth had completely satisfied him (Lord Robert Grosvenor), and enabled him to make up his mind on the subject. No consideration should induce him to refuse his support to the present measure. He was fully convinced of the great loss and injury and gross fraud which were caused by the present system; and considering the extent and amount of them he could not conceive on what ground gentlemen resisted the principle of a measure which was calculated to remedy the evil.

Mr. *Pryme* would not touch the question of registration, or no registration, but would content himself with pointing out one or two objections which occurred to him on the subject of a metropolitan registry. In every great town where buildings were from time to time erected, it was customary to grant mortgages on such buildings in this way:—a portion only of the total amount was advanced at first, and subsequent advances were made as the buildings proceeded, each advance being endorsed upon the deed according as it was furnished. Now, if this Bill came into operation, there must be eight or ten successive deeds in such cases, or else the lender must trust to the honour of the borrower that he will not, before receiving the last instalment, raise money on the same property by granting another deed. The effect of the proposed system would be to put an end to all such mortgages. He had some acquaintance with the registration carried on under the Bedford Level, which affected the Isle of Ely and its vicinity; and he could say, that although it might have the effect of preventing clandestine deeds, the system had not diminished the expenses incident upon investigating titles. A registration of the kind now proposed, confined to the metropolis, and taking from persons the custody of their deeds, was not desirable; and, therefore, without offering any opinion on the question of the expediency of a general system of registration, he felt compelled to resist the Motion.

Mr. *Rolfe* only rose to repel, with indignation, the insinuation of the hon. member for Truro, that the members of the Real Property Commission had recommended a measure of registration, in order that they might appear to earn their money by doing something. Gentlemen more honourable than the Commissioners, or who had devoted themselves more assiduously to the discharge of the duties assigned them, could not be found.

Mr. *Brougham*, in reply, said, that, after the very full discussion which the subject had received, he should not trespass long on the attention of the House; but, as the observations of the hon. member for Yorkshire might carry some weight with them, he thought it necessary to say a few words on the subject. His hon. friend said, that the only witness whose evidence he (Mr. Brougham) had cited in favour of the plan was Mr. Bell. Now, his only reason for abstaining from further quotations from the evidence given before the Committee was, in order to spare the time of the House. There were no grounds for saying, that Mr. Bell's opinion was unfavourable to the present Bill. Observe what that gentleman stated. The following was a question put to him, with his answer on the subject:—"You have now changed your opinion with respect to the advantage of a metropolitan register over district registers?—Yes; my opinion is still that, until a better plan is pointed out than has been devised at this time, a general register-office would not be useful to the public; but if a better plan can be brought forward, I think it should be adopted; the only practicable plan I have seen is that proposed by this Bill." It was in conformity with the peculiar construction of Mr. Bell's mind always to speak doubtfully on a subject. But observe the answer which Mr. Bell gave to a subsequent question:—"You do not precisely say that you enter into the full merits of this plan?—I think I understand it; I have read it several times over; and the qualification I introduced, that I was not sure I understood it in all respects, was not arising from any specific doubt, but from the caution I should use in speaking of any long Act of Parliament, when my attention was not called to any particular doubt; I think I understand the plan perfectly." "You have spoken with a certain degree of doubt of the perfect efficiency of this plan; can you mention any particular part of the plan which you consider as defective?—I cannot point out any particular in which it is defective; I only spoke of it in the doubtful way as I would of any new measure, and especially with a view to the doubts that may arise in any long Act of Parliament, when no particular doubt is stated as the object of the question." After that, it was vain to say, that Mr. Bell was not a good witness for the Bill. He admitted, that the question had been discussed with great fairness generally, but it was reserved for the hon. member for Yorkshire to commence upon him an attack the most unwarranted and vituperative, charging him with motives connected with his conduct in relation to the county of York, which he could not permit to pass without an answer. The hon. Member blamed him for extending his measure to Yorkshire; but if the Bill was so outrageous as the hon. Member wished to have it supposed, would it have been fair in him to have excepted the county of York from its operation, and left it to extend over all the kingdom? He was aware that Yorkshire possessed a defective species of registration at present; but he had not proposed to exempt it from the operation of the Bill on that ground, because he meant this measure for the benefit *bona fide* of the whole of England. Where, he asked, would be the justice or equity in excepting York, with its imperfect system, and extending this violent and outrageous measure (as the hon. Member considered it) to Devonshire and Somerset, and all the rest of the country? The real question now before the House was, whether or not it would adopt the principle of a registration of real property? By voting for the second reading of the Bill, the House did not pledge itself to the plan of a London office. As he had stated, the question was, whether Parliament would adopt the general principle of registration, leaving it open afterwards to decide upon the propriety of a London or district registration. It would be for the Committee, if the second reading were agreed to, to decide upon the details of the measure. Under these circumstances, he said, that if the House now rejected the second reading of the Bill, it did, in point of fact, vote against the principle of registration. Certainly, it would negative the principle by so doing, for the question was not now as to the place where the registration was to be carried into effect, but whether there was to be a registration or not; and if the Bill were rejected, that of the hon. member for the North Riding of Yorkshire would necessarily share its fate. However unpopular this measure might make him, he cared not; in bringing it forward, he had acted in the discharge of what he conceived to be his duty; and whatever might be the result, he should rest satisfied with the consciousness of having done it. He might be wrong; but, if so, he had the consolation of being backed and supported in his opinions by the authority of great and distinguished names in the profession of the law. He had nothing further to add—the House would deal with the Bill as they pleased; if they rejected it, the responsibility would be upon them.

The House divided: Ayes 45; Noes 161—Majority 116.

List of the AYES.

Adams, E. H.
Aglionby, H. A.
Baillie, J. E.
Barron, W.
Blunt, Sir C.
Bouverie, Hon. D. P.
Briscoe, J. I.
Childers, J. W.
Dalmeny, Lord
Dashwood, G. H.
Dillwyn, L. W.
Elliot, Captain
Ewart, W.
Fort, J.
Grosvenor, Lord R.
Grote, G.
Hawes, B.
Hawkins, J.
Horne, Sir W.
Hyett, W. H.
Jephson, O.
Johnson, A.
Lloyd, J. H.
Lushington, Dr.
Lynch, A. H.
Ord, W. H.
Palmer, F.
Pepys, Sir C.
Potter, R.
Rolfe, R. M.
Romilly, J.
Romilly, E.
Smith, J. A.
Smith, V.
Talbot, C. R. M.
Thicknesse, R.
Tollemache, R. G.
Vernon, Hon. G. I.
Wallace, R.
Walter, J.
Warburton, H.
Wood, G. W.
Yelverton, Hon. W. H.

TELLERS.

Brougham, W.
Fergusson, C.

PAIRED OFF.

Jeffery, Rt. Hon. F.
Stanley, Hon. H.
Stewart, E.
Strutt, E.
Kerry, Lord

Mr. Cayley moved the second reading

of his General County Register Bill, upon which a division took place:—Ayes 68; Noes 125—Majority 57.

List of the AYES.

Agnew, Sir A.
Baines, E.
Barron, H. W.
Bish, T.
Blake, M.
Blunt, Sir C.
Briggs, R.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Chapman, A.
Crompton, J. S.
Dalmeny, Lord
Dillwyn, L. W.
Dykes, F. L. B.
Elliot, Captain
Fleetwood, H.
Fort, J.
Fox, J. L.
Gaskell, D.
Goring, H. D.
Grosvenor, Lord
Grote, G.
Gully, J.
Hardy, J.
Harland, W. C.
Hawkins, J. H.
Hay, Sir J. L.
Howard, W. R.
Howard, Captain
Howard, P. H.
Hutt, W.
Hyett, W. H.
Ingham, R.
Ingilby, Sir W.
James, W.
Jephson, C. D. O.
Johnstone, Sir J.
Johnston, A.
Langdale, Hon. C.
Lister, A. C.
Madocks, J.
O'Dwyer, A. C.
Ord, W. H.
Palmer, C. F.
Parker, J.
Pease, J.
Pepys, Sir C.
Pryme, G.
Rider, T.
Rolfe, R. M.
Sandon, Lord
Sharpe, General
Stavely, T. K.
Strickland, Sir G.
Talbot, C. R. M.
Thicknesse, R.
Tollemache, Hon. A.
Verney, Sir H.
Vernon, Hon. G.
Wallace, R.
Wilbraham, G.
Williams, Colonel
Yelverton, Hon. W. H.
Young, G. F.

TELLERS.
Morpeth, Lord
Cayley, W.

POST-OFFICE—GENERAL DELIVERY.] Mr. Craven Berkeley moved the second reading of the General Post Delivery Bill, to extend the plan for a free delivery, which had been adopted in London, to Cheltenham, and the other provincial towns of the kingdom.

Mr. *Phillpotts*, in seconding the Motion, observed, that the same measure of justice, which had been afforded to London should be extended to the provincial towns.

Mr. *Vernon Smith* said, that if copies of this Bill had been sent, like copies of the Poor-law Amendment Bill, to every town and hamlet in the country, he was sure that they would have had a great number of petitions from them against it. It was a short Bill certainly; but its brevity was the only merit that, in his opinion, it possessed. It proposed to establish the same system in the provincial towns that existed in London; but it was for the House to consider whether regulations which were found applicable in the metropolis could possibly apply in the different provincial cities and towns. It was plain, that there must be some limits to a delivery, and as long as such limits existed, it was equally obvious, that there would be those who, just placed beyond it, would complain of its existence. The Bill had been sent by the Postmaster-General to the various surveyors throughout the country, and they all stated in their Reports, that the measure was an impracticable one, and that it would materially diminish the revenue derived from the post. The hon. Gentleman read an extract from the Report of the surveyor in Cheltenham to that effect. There was every disposition on the part of the Post-office to listen to any complaints as to undue delays in delivery; but, he repeated, there must be limits to a free delivery. He perceived, that the hon. member for Greenock had an Amendment to move upon this Bill that was as long as the Bill itself, and one portion of which was, that Members of Parliament should not be charged for letters delivered on Monday in London, although accumulated by the non-delivery on Sunday, unless they should exceed the privileged number for two days. If that hon. Member wanted the Post-office to work on Sundays, he should first settle the matter with the large minority in that House, who had voted in favour of a Sabbath Observance Bill. He begged to move, that this Bill be read a second time this day six months.

Mr. *Warburton* did not rise to support the Bill, but merely to make a statement on the part of the gallant Admiral, the member for Devonport, which his absence from the House prevented him from making in person. That statement was, that the hamlet of Stonehouse, situated between Plymouth and Devonport, with no less than 40,000 inhabitants, many of whom were retired officers, would not have to pay, as at present, a penny on the delivery of letters and newspapers, if a post-office was established there in the mail coach road. The answer which had been given by the Post-office to a representation from the inhabitants on the subject was, that the proposed change might be a convenience to them; but it were resisted on the ground, that it would diminish the revenue. Now, where there were 40,000 inhabitants, many of whom, as he had stated, were retired officers, to whom a penny was a matter of consideration, such an alteration should not on such a ground be resisted.

Mr. *Wallace* referred to a plan of Cheltenham, to show, that the limits for the free delivery there were extremely arbitrary and unequal. The pennies levied there for the penny delivery amounted in the year ending 5th of January, 1830, to 92,000; in 1831 to 103,000; in 1832 to 123,000; in 1833 to 146,000; and in 1834 to 167,000. The charge was therefore one of which the inhabitants of Cheltenham felt that they had a right to complain. He begged to ask why were newspapers charged 1*d.* and 2*d.* in the twopenny post in London, when they were sent free by the general post to the most distant parts of the kingdom? With regard to the Post-office, he looked upon Sir F. Freeling as the real Postmaster-General. In opposition to the authority of Sir F. Freeling, then he would say, that there was no law to prevent Members from receiving their letters on a Sunday. He would defy the Post-office to show, that there was any law to prevent a Member, or any man in the realm, from receiving his letters on a Sunday. He put the question plainly to the hon. Gentleman opposite; and he defied him to answer it in the negative. The general question, however, with regard to the Post-office would soon come on, and he would avail himself of that opportunity to bring the whole matter before the House.

Lord *William Lennox* would ask the House whether the hon. Member was justified in calling Sir F. Freeling the Postmaster-General. He never took up his papers in the morning, that he did not find the name of the hon. member for Greenock there with some notice of Motion for inquiry with respect to the Post-office. He wished to God, that the hon. Member would bring forward that inquiry at once in some tangible shape, instead of indulging, as he had on the present occasion, in vague generalities and declamation. His noble relative was ready to meet any inquiry. With respect to the Bill immediately before the House, he felt, that the details of it were very ineffective, while, as to the principle, it was, as had been stated by the hon. member for Northampton, a question of revenue.

Mr. *Spring Rice* observed, that there never had been an instance in any public department in which greater efforts had been made by the head of it to facilitate the convenience of the public than that over which his noble friend (the Postmaster-General) presided.

Mr. *Hughes Hughes* said, that, from personal experience of its necessity, he should support the second reading of the Bill. When residing at Cheltenham, in a house so little remote from the Post-office, that he could scarcely credit the information, that it was not within the town delivery, he found it absolutely necessary, from the lateness of the hour at which his letters and papers were received, to send for them, and had, notwithstanding, the pleasure of paying one penny each. He trusted that the Bill would not be rejected, but if it should, that means would be taken to prevent the evils so justly complained of.

Sir *Matthew White Ridley* opposed the Bill. He was led to believe, that the deficiency of revenue which would be occasioned by the hon. Gentleman's Bill, in Cheltenham alone, would amount to 8,000*l.* or 10,000*l.*; and he left the House to calculate the aggregate deficiency if the same plan was extended throughout the country. He would remind the hon. member for Oxford, that although he thought right to send for his letters, other persons did not, and the Postmaster was obliged to support an establishment equal to the delivery of all letters received, and was therefore entitled to his penny upon each, whether sent for or delivered.

Mr. *Hughes Hughes*, in explanation, said, that one thing, of which he complained, was, that a competent establishment was not kept. He was compelled to send for his letters and papers, or wait their delivery till perhaps one o'clock, which he thought a most unreasonable time.

The House divided: Ayes 23; Noes 66—Majority 43.

List of the AYES.

Baines, E.
Berkeley, Hon. G.
Brotherton, J.
Buckingham, J.
Chetwynd, Captain
Etwall, R.
Fitzsimon, N.
Fleetwood, H.
Gully, J.
Hardy, J.
Hoskyns, K.
Hutt, W.
Pease, J.
Phillpotts, J.
Pryme, G.
Ruthven, E.
Ruthven, R.
Thicknesse, R.
Young, E.

TELLERS.

Berkeley, C.
Wallace, H.

RELIGIOUS ASSEMBLIES' BILL.] Mr. Hardy moved the second reading of this Bill.

Mr. *Finch* supported the Bill. He could conceive no law more tyrannical than the present in respect to assemblies for religious worship.

Dr. *Lushington* said, that places of worship could be licensed, and preachers also, at a trifling expense; whereas this Bill went to remove all impediments to meetings with the ostensible design of religious worship, but which might be perverted to other purposes. He could hardly conceive a Bill more destructive of the principles on which the Church of England was established. He moved, that the Bill be read a second time that day six months.

Mr. *Pease* thought, that, at this time of day, persons ought to be allowed to offer prayers where they pleased.

Mr. *Warburton* said, that the Bill was objectionable in form, but he would support the principle of the Bill.

Mr. *Hughes Hughes* would not have risen but to defend himself against the attack made by the hon. and learned civilian upon all who supported the Bill. He would not yield to any one, not even to the hon. and learned Member, in devoted and zealous attachment to the Established Church, of which he trusted every act of his since he had had the honour of a seat in that House, would afford a proof. He would then adduce only one fact in illustration of his reason for supporting this Bill, a fact within his own knowledge, and which occurred in a populous parish with which he was connected. The clergyman of the Established Church being in the habit of addressing the inmates of the workhouse every Thursday evening, many persons out of doors sought admission to this service, and were admitted, in "great numbers, for a considerable period, and until a threat was given of an information;" ever since which it had been considered necessary to admit the nineteen persons who first arrived at the workhouse door, and to refuse admission to all beyond that number. He would ask whether this was a state of the law which should be allowed to continue. He could not sit down without offering the humble tribute of his thanks, and in the name of the Established Church too, to his hon. and learned friend, for the introduction of this most necessary measure, which should have his warmest support.

Lord *Sandon* thought, that sufficient time had not been given for considering and consulting with members of the Church of England upon the question, and he hoped, therefore, that time would be given by postponing the second reading. He should, therefore, move the adjournment of the debate.

Mr. *Hardy* said, that he would willingly postpone the second reading, if there was any new principle in the Bill; but, under the existing laws, teaching and preaching were allowed, yet praying was visited by a penalty of 20*l*., which was absurd.

Sir *Matthew White Ridley* opposed the Bill. He never could give his consent to any measure that would permit laymen, or individuals not regularly ordained, to preach the gospel. In whatever manner, and to whatever extent, the present Bill might be modified, he never could give his assent to its adoption.

Mr. *Aglionby* supported the Bill, and observed, that he was at a loss to conceive the possibility of the occurrence of the danger which had apparently been anticipated by the hon. and learned member for the Tower Hamlets. He almost doubted his own senses when he heard the learned Gentleman make that remark, and thought there must be something in the Bill which he could not read.

Mr. *Pryme* supported the Bill, and remarked, that he knew an instance of a curate, serving the duties of the Established Church, being placed under considerable personal difficulties from the operation of the existing laws, and the liability to which he was exposed.

The House divided: Ayes 38; Noes 13—Majority 25.

The Bill read a second time.

List of the AYES.

Aglionby, H. A.
Agnew, Sir A.
Baines, E.
Bewes, T.
Blake, M. J.
Briscoe, J.
Brotherton, J.
Buckingham, J. S.
Childers, W.
Curteis, H.
Divett, J.
Dykes, H. B.
Evans, W.
Forster, C.
Fenton, J.
Fleetwood, H.
Greene, W.
Gully, J.
Halcomb, J.
Harland, W.
Hughes, H.
Hutt, W.
Jervis, J.
Johnstone, A.
Lister, E. C.
Lloyd, J.
Martin, J.
Morpeth, Lord
Pease, J.
Plumptre, J.
Pryme, G.
Seymour, Lord
Talbot, J. H.
Thicknesse, R.
Verney, Sir H.
Wallace, R.
Warburton, H.

TELLERS.

Finch, G.
Hardy, J.

LORD'S-DAY OBSERVANCE BILL.] The Order of the Day for the Adjourned Debate on the Lord's Day Observance Bill, [see May 5,] was read.

Mr. *H. Curteis* suggested the propriety of postponing all proceedings on the Bill for at least a week,—a course which, he contended, would show a proper respect to the House, after its rejection of a measure having a similar object by such a majority as had disposed of the proposition.

Lord *Morpeth* hoped, that the Bill would be allowed to be brought in. No hon. Member would be compromised by assenting to such a course, and therefore the approbation of the measure would so far be qualified.

Mr. *Warburton* suggested, that as he understood Bills directed to the same object were multitudinous in this and the other House of Parliament, it would be advisable that every hon. Member should introduce a Bill of his own, and that from the collection some measure might be adopted.

Leave given, and Bill brought in.

UNIVERSITIES (ENGLAND).] Mr. *Hughes Hughes* said, that, at that late hour of the night, he would only state his reason for submitting to the House the Motion of which he had given notice, that certain unfounded remarks had been made on occasion of the right hon. Secretary for the Treasury on making his recent Motion for a grant to defray the charge of Salaries and Allowances to certain Professors in the Universities of Oxford and Cambridge. His object was, to show, by means of a return, that the vote annually made on this account in each of the last three years, bore no comparison to the amount received from the Universities for Duty paid during the same period, on the Admission or Matriculation of Members on the Grant of Degrees, and on Testimonials or Certificates of Admission to Degrees; and that, therefore, in a pecuniary point of view, as well as in so many other respects, the country was indebted to the Universities, and not the Universities to the public. He moved, that there be laid before the House a return, showing the amount of the grant made by Parliament in each of the last three years, to defray the charge of salaries and allowances to certain professors in the Universities of Oxford and Cambridge, the manner of its appropriation, the number of Members admitted to, and of degrees granted by, each of those Universities, and also of testimonials or certificates of admission to degrees given, during the same period; distinguishing each year, and each class of degree, the amount of duty payable respectively on the admission or matriculation of members, and on the grant of each class of degree, and also on testimonials or certificates of admission to degrees; and the aggregate amount of duty so respectively paid in each of the three years ending 31st December last.

Mr. *Spring Rice* objected to the first part of the Motion; such a return being already before the House, the expense of reprinting it should be avoided.

Mr. *Hughes Hughes* said, that the part of his Motion to which the right hon. Secretary had thought fit to object would scarcely add ten lines to the length of the return, and he had wished to have placed the receipts and payments in juxta-position, but if the right hon. Gentleman persisted in his objection, he must, of course, agree to strike out the first three lines of his Motion.

Motion, as altered, agreed to.

HOUSE OF COMMONS,

Thursday, May 8, 1834.

MINUTES.] Petitions presented. By Mr. LABOUCHERE, from Taunton, for a Remission of the Sentence on the Dorchester Labourers.—By Mr. AGLIONBY, from the Handloom Weavers of Cockermouth, for Relief.—By Mr. HORNBY, from Cockermouth, for the Repeal of the Sale of Beer Act.—By Mr. BRISCOE, from Carshalton, against the Poor Laws Amendment Bill; from Clapham, against Employing Children for Sweeping Chimneys.—By Messrs. LITTLETON, BRISCOE, AGLIONBY, PRYSE, HODGSON, RAMSBOTTOM, Lord MILTON, and Sir J. TYRRELL, from a great Number of Places, in favour of the Dissenters.—By Mr. GILLON, from Shotts, for the Repeal of the Turnpike Acts (Scotland); from the Handloom Weavers of a Number of Places, for a Board of Trade, and for Relief; from several Places, for a Separation between Church and State.—By Colonel EVANS, from Inhabitants of the Metropolis, for a Remission of the Sentence on the Dorchester Labourers.—By Lord HENNIKER, from Lowestoft, for the Repeal of the Reciprocity of Duties; from several Places, for Relief to the Agricultural Interest.—By Colonel EVANS, from two Metropolitan Parishes, against the Poor Law Amendment Bill.—By Lord MILTON, from Rushden, for the Re-enactment of the Labour-Rate Employment Act; from Wellingborough, against the Malt Tax.—By Mr. MURRAY, from Leith, for Extending the Provisions of the English Savings' Bank Act to Scotland.—By Mr. GILLON, from several Places, for an Alteration of the present System of Lay Patronage in (Scotland).—By Colonel CONOLLY, from Raphoe, for extending the Legislative Measures for the Better Observance of the Lord's Day to Ireland.—By Sir JOHN DALRYMPLE, from Leith, for Relief to the Polish Exiles.—By Mr. GULLY, from several Places, for a Commutation of Tithes.—By Lord MILTON, Sir JOHN TYRRELL, and Mr. T. WILLIAMS, from several Places, against any Measures likely to weaken the Efficiency of the Established Church.—By Mr. GILLON and Lord MILTON, from several Places, for the Better Observance of the Sabbath.—By Mr. O'DWYER, O'CONNOR DON, and Colonel BUTLER, from several Places, against Tithes; and by Colonel BUTLER, from Rathpatrick, against the Irish Tithe Bill; from several Places, for the Repeal of the Union.

BUCKLEBURY ENCLOSURE BILL.] Mr. Robert Palmer brought up the Report of the Committee on the Bucklebury Inclosure

Bill, and moved, that the Amendments be read a second time.

Mr. *Walter* moved, that they be read a second time on that day six-months. He did not mean to say, that cases had never occurred wherein inclosures might have been beneficial; but of this he was persuaded, that if the rage for enclosures had been more tempered with discretion, the country would not at that moment have been burthened with such a mass of poor as now existed. With respect to the Bill now before the House, he had paid the greatest attention to it; and it was his duty to state, that the conviction of his mind was, that the measure was pregnant with as much mischief, and promised as little advantage to any person, as any Inclosure Bill that had ever been presented to the House. With the permission of the House, he would read a fair and impartial account of the advantages which the poor derived from their present right of commonage:—

	£.	s.	d.
By Fuel	2	12	0
By keeping pigs	1	10	0
By keeping a cow, with or without a calf	2	15	0
By keeping geese, ducks, and fowls	1	0	0
By litter, such as fern, for bedding for the cow, pigs, or colt	0	5	0
	£8	2	0

He was told, that there were about 230 families interested in this common: of those, about thirty-five were freeholders, and out of that number more than twenty were opposed to the enclosure; about one-half of the remainder were said to be consenting parties, and the other half neuter. The remainder, nearly 200 families, were all opposed to the enclosure. It was probable the individuals composing the 200 families could not be fewer than 1,000 persons; most of whom were wholly dependent on their own labour, or the labour of their parents, and the benefits derived from Bucklebury Common. The injustice which would be done to the poor was thus evident. In behalf of the Bill, only one witness was called; and his evidence only went to show, that the Common, if brought into cultivation, would be worth between two and three times its present value; but there was not a tittle of evidence to show that it could ever be brought into profitable cultivation; whereas three witnesses, all men of great practical experience, and two of eminent scientific knowledge in these matters, were decided as to the unredeemed mischief of the proposed measure. Mr. Francis Hawkes, surveyor at Reading, said, that the fencing and ditching, according to the Act of Parliament, would cost *3s.* or *3s. 6d.* a pole. He did not think half an acre worth enclosing. The fuel was worth a shilling a-week to the cottagers. It would be very difficult to find 200 acres of the common, that would repay the expenditure of capital laid out in enclosing and draining it. "Was it his opinion, that the land to be given to the poor as compensation, would be equivalent to the benefit they now derived from the common?" Answer—"Of course not. The effect of passing this Bill, would be to make the poor pay for that fuel which they now have by right." Question—"Now, you have had a good deal of experience, is it your opinion that the parties generally will derive any benefit from this enclosure?" Answer—"With respect to the small proprietors, they would be injured very materially; but with respect to Mr. Hartley, it would be a great improvement of his property." Mr. David Stewart, a land-agent and surveyor, was asked his opinion of the enclosure. His answer was—"I think it would be in a high degree injurious to the poor, and I do not think it would be beneficial to the public, because the land is of such an inferior quality, that it is not calculated for agricultural purposes." He thought that if the Lord of the Manor intended to convert it into a park, it was a most beautiful situation; but, in such case, he might very well afford to give ample compensation. Mr. Judd, who had been overseer, estimated the value of the fuel at *1s.* a-week, and the grazing of a single cow at *3l.* a-year. He was asked what had been the result of a neighbouring enclosure twenty years ago; and he answered, that it had increased the poor. "What was his opinion of the probable result of an enclosure of Bucklebury?"—"I think it would increase the Poor-rates very considerably." He thought that if the common were divided into small allotments, they would be of very little value to the labourers, and not equivalent to the loss of the right of common; and that any additional labour, after two years, would be done away with. Under all these hardships to the poor, the hon. Member trusted that the House would assent to his proposition.

Mr. Pryme seconded the Amendment.

Mr. *Robert Palmer* wished to say a few words in defence of the Bill. He had no immediate interest in the Bill; it was placed in his hands in the ordinary course, to conduct through that House, and he knew nothing more on the subject than the simple facts of the case. On a former occasion he stated, that he only acted Ministerially with respect to the Bill, and that he was in no other way interested as to the result. The facts were these:—the Lord of the Manor was the proprietor of by far the greater part of the soil. The number of acres amounted to 4,050; of which the Lord of the Manor and seven other individuals assenting to the measure possessed 3,942. The remaining 108 acres belonged to different persons; among these, the number of those dissenting from the enclosure was nineteen, and the number assenting was twelve, who were owners of the common rights. A petition had been presented by 150 tenants-at-will of the Lord against the Bill; but so far from being injurious to their interests, he was of opinion it would protect them. Evidence had been offered to the Committee to show, that the land was capable of great improvement. He admitted, that only one witness had been called to prove that the land was now in an unproductive state, and that it would be rendered highly productive by being enclosed. He also admitted, that three respectable witnesses had been called on the other side, who declared that considerable injury would be sustained by those tenants whose lands were to be enclosed. He did not think, however, that the number of witnesses on the one side and the other, should have any weight with the House, as it was in the power of either party to have called more. Under these circumstances, he trusted the House would permit the Bill to be read a second time.

Mr. *Pease* said, that one of his constituents was interested in the measure, and had desired him to oppose the Bill in his behalf. He, however, felt it to be his duty to do so upon principle. He must say, that an act of greater unfairness toward the poor, in his opinion, had never been committed. They were to be deprived of their rights by the Bill, and no manner of compensation was to be afforded to them. He called upon the House, now, to protect the rights of the poor against the oppression of the great landed proprietors of Berks. He protested against the measure generally, and hoped that such attempts to deprive the poor of their rights would not be countenanced by that House.

Colonel *Evans* also opposed this Bill, as it was his intention to oppose several other Inclosure Bills, now in progress through the House, for the reasons stated by the hon. Member who spoke last—namely, because he considered it an infringement of the rights of the poor. The hon. member for Berkshire (Mr. Palmer) had stated, that if the land were enclosed, it would become greatly increased in value, by being rendered productive. The petitions which had been presented to that House, from all parts of the country, complaining of agricultural distress, declared that the best land in the country would scarcely pay the rent, and that, therefore, the present system of Corn-laws must be kept up. He would ask the hon. Member, how that could be reconciled with the pretext set up on the present occasion for depriving the poor of their rights—that the land would be rendered more valuable by the inclosure?

Mr. *Throckmorton* having been a member of the Committee, was desirous to observe, that so far as the evidence adduced before the Committee went, there was no argument advanced that could induce him to withhold his support from the Bill.

Mr. *H.B.Curteis* gave his decided opposition to the Bill upon public principle. He knew nothing of the facts of the case, but he opposed the measure generally, because he thought the rights of the poor were not sufficiently protected in any Bills of that nature which were introduced into the House. He was himself the Lord of a Manor, and he very well knew, that a universal desire prevailed with the Lords of Manors to encroach on the rights of the public, and particularly of the defenceless poor, and for this reason their conduct ought to be watched with great jealousy by that House. Another ground of objection to this Bill was, with respect to the great amount of tithe which would be received out of this land. He strongly objected to the pressing forward Bills of this nature at the present time. When it was remembered that a great Parliamentary measure for the commutation of tithe was about to pass, it must be admitted, that the present Bill was premature.

Mr. *Hughes Hughes* said, that it was never contended in the Committee, that the poorer freeholders would not be injured by the bill. The very fact that the Lord of the Manor had offered them compensation proved, that there must be some injury anticipated; and one of the questions before the Committee had been, whether the compensation offered to the poor was sufficient. He admitted, that if the poor-rates of the parish were increased, the principal part of that increase would fall upon the Lord of the Manor, but that was no reason for adopting a measure which was calculated to make paupers of those who had hitherto supported themselves by their industry. Numbers of these poor persons had come to the Committee and stated that they now supported themselves by their own exertions, and were most anxious to continue to do so; they had even implored the Committee, with tears in their eyes, not to make paupers of them by this bill. They said this bill would deprive them of fuel, of pasturage for their cow or sheep, and of various other advantages they now derived from their right of common; indeed, there had been no proof offered that anybody but the lord of the manor would derive advantage from this Bill. He thought that its preamble was not proved—indeed he had divided the Committee upon it, and the report had only been agreed to by a majority of one. In conclusion, he called upon the House to withhold its consent from this Bill, which enabled the lord of the manor to add to his own park at the expense of his poorer neighbours.

Mr. *Robert Palmer*, in reply, repeated that he only acted ministerially on the present occasion, and regretted it became his duty to divide the House on the question.

The House divided on the Question that the Bill be read a second time: Ayes 6; Noes 38—Majority 32.

REPEAL OF THE UNION (IRELAND).] Colonel *Butler*:—Sir, I rise to present a Petition from the parish of the Bower, in the county of Kilkenny, very numerously signed, and as the petitioners complain, as well almost as all the petitioners on the same subject, of the poverty and wretchedness entailed on Ireland by the Act of Union, I shall trespass on the patience of the House, while I read a letter which I received about six or seven weeks ago, from a gentleman, on whose statement the greatest reliance can be placed—a letter that it was my intention to have read on the Repeal Debate, had I not observed that if I had, not one word of it, or anything I could say in reference to it, would have been attended to after so long a debate. The hon. Member read the following extract of a letter from the reverend Charles Butler Stephenson.

Westcourt, Callan, March 5, 1834.

Dear Sir—Though our politics are somewhat north and south, yet as the member for the county in which I reside, I think it right to make you acquainted with the condition of the poor of the town and liberties of Callan, in order that you may be enabled in your place in Parliament to state from an authentic source the distress which prevails in this country, and the absolute necessity of some legislative enactment for providing employment for the poor. The cholera has been for some weeks amongst us, and has gained an easy victory over our emaciated population; a few hours has generally been sufficient to bring the matter to a fatal termination. We have raised in the town and immediate neighbourhood a considerable subscription, and its effect was almost immediately perceived in the staying of the plague. Our funds, however, are not only exhausted, but we are left in debt, with famine staring us in the face. The number of victims to this dreadful scourge has exceeded one hundred, and though, by the blessing of God, it has much subsided, yet, being no longer able to distribute provisions, we have too much reason to fear its return. The population of the town and liberties of Callan, by the last census, exceeds 6,000, without any means of employment except the occasional demand for agricultural labour at busy seasons of the year. Of these, many hundreds, being principally the wives and children of those who at various times have left the country in search of work, are by trade beggars, trusting to the charitable disposition of the neighbouring farmers, but who, since the introduction of the disease into the town, will not permit them to come near their doors. I protest, that whatever ills might attend a provision for the poor (and having lived many years in England, I am not ignorant of those ills), I would unhesitatingly prefer being subject to them all, rather than be compelled, as I am daily, to witness misery that it is not in my power to relieve. I have of course contributed my mite, about 30*l.*, and have daily employed twenty extra labourers to dig my stubbles, instead of ploughing them; but I have this day been obliged to discharge ten of these poor fellows—and their disconsolate looks, when receiving this notification, though attended with a "God bless your honour for what you have done!"—would, I think, had they witnessed it, have shamed some of our absentee proprietors.

There is more matter of great importance in this letter, as relates to other grievances under which the people of the town and liberties of Callan have great reason to complain; but as I shall take an opportunity of communicating with the right hon. the Secretary for Ireland on this subject, and as it would be irrelevant on the present occasion alluding to them, I shall not trouble the House with the detail. Sir, I consider that this letter would have completely refuted the arguments so gravely made use of in order to convince us of the prosperous state of Ireland in consequence of the Union, and therefore I have to regret, that I had not an opportunity of reading it before the closing of the late debate. But who is the individual who writes this letter? He is not a Repealer or a Radical Reformer, as the very first line of it proves. No, it is written by the reverend Charles Butler Stephenson, the Protestant rector of the town and liberties of Callan, and some adjoining parishes; and I believe it is unnecessary for me to say, that his letter proves that he not only has a head to be of service in advocating the cause of his fellow-parishioners, but a heart to feel for their miseries; but I beg it to be distinctly understood, that I by no means intend to identify the reverend gentleman's name with the petition I am now about to present, for to borrow an idea of his own, I believe his sentiments on Repeal are much further north than mine. In the last session I presented a petition from Callan, wherein it was stated that previous to the Union they had a considerable trade carried on in it, that there were several noblemen and gentlemen residing in the immediate neighbourhood, and that they returned two Members to the Irish Parliament, in fact, that they were at that period in a state of comparative prosperity. This, I believe, was really the case, and I am now perfectly convinced, that so long as the Union exists, so long will they have nothing to look forward to in future, but, if possible, a greater accumulation of misery. Much has been said about a separation between the two countries during the late debate; some hon. Gentlemen declaring that that was the ultimate object of the advocates for Repeal, others contending that it would be a much more rational object for us Irishmen to seek, and probably wishing to get rid of us on any terms, and some of my hon. friends at this side of the House expressing their horror at the idea of being suspected of wishing for such an event. For my part, the view I take of the subject is, that, without partaking in the slightest degree of the horrors of my hon. and sensitive friends, nor by any means wishing for a separation between the two countries, on the contrary, wishing that a rational connexion between them should exist, such as that in the year 1782, I have not the least hesitation in saying that I think a separation of the countries would be better than to let them remain as they are, bound by a fallacious Union, which in my opinion must eventually end in the ruin of both. As to the question of Repeal, notwithstanding the boasted majority of the other night, I do prophesy that so sure as there is a great and just God in Heaven, so sure must it be carried, and most sincerely shall I offer up my prayers to that Almighty God that it may be carried within the walls of this House. The hon. and gallant Member also presented several petitions against tithes, from Kilpatrick in the city of Kilkenny, signed by 9,195 individuals. One of these, signed by 4,000 individuals, complained bitterly of the Tithe Bill of the right hon. the Secretary for Ireland.

Mr. *Finn* said, facts were the strongest arguments, and these the right hon. the Secretary for the Treasury furnished him with. A fourth of the entire population of Ireland was unemployed; and a fourth part annually passed through the fever hospitals, and a fourth of the population of the city of Dublin, 60,000 persons, were similarly circumstanced every year. Disease was propagated by famine, and continued by privation.

Mr. *Mullins* deprecated the discussion of so important a subject, and the presentation of such important petitions in so thin a House. He moved that the House be counted.

Mr. *Finn* said, that he must take the House as he found it. It was not his fault if neither his Majesty's Ministers or other Members attended to their duty there.

The House was counted, and there being more than forty Members present, the business was resumed.

Mr. *O'Dwyer* would not avail himself of any advantage which his position as a Member of that House would give him to indulge in reference to the management of his Irish estates by the noble Lord (Lord Clifden) alluded to; although he did not mean to say that a landlord, and especially an Irish absentee landlord, was not amenable to public opinion for the manner in which he discharged those obligations that the nature of property implied. He would merely say, that the estate of that nobleman lying near that most wretched place from which the petition came, could be ascertained as distinctly by the appearance which it bore, in contrast with those in its neighbourhood, as if it were set out in metes and bounds by means of painted sign-posts. There was one part, however, of the character of the noble Lord which was a legitimate subject for discussion in that House, and that was his character as a sinecurist. The noble Lord drew, since the period of the Union, a salary of between 1,500 and 2,000*l.* a-year as clerk of the Privy Council in Ireland, and gave not the shadow of a return. If that salary were distributed amongst the poor of Callan they would have no occasion to appear as beggars for imperial charity. The English ridiculed and inveighed against the Roman nobility who let out their palaces to the rich spendthrifts who flock to Rome; but the Roman nobility had generally the plea of poverty to urge, and they gave their houses for the money they received; but was there not more meanness in a rich Englishman, a nobleman at the head of 30,000*l.* or 40,000*l.* a-year, pocketing a salary, and giving nothing in return to the wretched people from which this petition came?

Petitions laid on the Table.

SEPARATION OF CHURCH AND STATE.] Mr. Gillon presented a petition from Paisley, for the separation of Church and State.

Sir *Daniel Sandford* wished to show to the House by a short statement of facts, the weight that was to be attached to petitions presented by the hon. Gentleman (Mr. Gillon) praying for a separation of Church and State. The other day that hon. Member presented a petition of this description from Glasgow which he said was signed by 49,600 persons. At the time he (Sir D. K. Sandford) doubted the accuracy of the hon. Gentleman's statement, and by an inquiry he had subsequently made on the subject he was now in a situation to show that his conjecture was correct. The whole male population of Glasgow did not exceed 54,000, and from this a deduction of 15,000 was to be made for persons who were unable to write their own names; so that there remained only 39,000 who could by any possibility affix their signatures to a petition. These were facts which could not be disputed; and if he were to say, as the fact was, that at least one-half of the male population of Glasgow were hostile to any separation of Church and State, he would render the hon. Gentleman's statement still less worthy of credit.

Sir *S. Whalley* rose to order. The hon. Gentleman (Sir D. K. Sandford) had no right to discuss the subject of a petition presented on a former day.

The *Speaker* said, he did not consider the hon. member for Paisley guilty of any disorder in the observations he had made.

Sir *Daniel Sandford* in continuation, contended that the petition to which he referred was a rank imposture, and a tissue of downright trickery. He was ready to prove that a great portion of the signatures attached to it were those of mere boys, and that whole columns of names were nothing more than inventions. He denied, that the great majority of the Dissenters of Scotland were in favour of a separation of Church and State, and asserted that there was a proportion of four to one the other way.

Mr. *Ewing* was aware, from his knowledge of the Dissenters in Glasgow, that many of the names affixed to the petition were of the highest respectability, and that every care must have been taken to avoid improper signatures. But he certainly felt startled when he heard that a petition from that city for a separation of the Church from the State had been presented from 50,000 persons. The whole population at the last census was 202,000 of whom more than one-half were females. Of the males, not many more than 50,000 were above fifteen years of age, and of these about one-half were computed to belong to the Established Church. He had been requested to support the object of the petition, with a view to the next election, but he had refused all pledges, and would continue to pursue the even tenor of his way. If ever there was an establishment of which Dissenters had little reason to complain, which was founded not only on the rock of poverty, but of purity, and which was distinguished for the talents, the piety, and the zeal of its clergy, it was that of the Church of Scotland. He had every reason to love and respect the Dissenters, and would strive to remove all their real grievances.

Mr. *Gillon* asserted, that no imposition whatever had been practised to obtain signatures to the petition referred to. He had stated no more than the truth when he declared, that the Dissenters of Scotland were almost to a man favourable to the separation of Church and State.

Mr. *Sinclair* was not surprised, that petitions of that nature were intrusted to the hon. Member, for he believed the hon. Gentleman was the only Member from Scotland who advocated such a proposition.

Petition laid on the Table.

THE CLERGY IN PARLIAMENT.] Mr. *Pryme* then rose to bring on his Motion for the repeal of the Act commonly called Horne Tooke's Act, prohibiting clergymen from sitting in the House of Commons, provided they are not engaged in the cure of souls. If he were asked, he said, why he wished to restore this privilege to the clergy, his answer was, that it was from no partiality to them, from no personal wish to see them in the House of Commons, but because he was averse from every principle of exclusion, and because he objected to all restrictions, unless some paramount reason could be shewn for maintaining them. Had this exclusion existed with respect to physicians or lawyers, he should have been just as anxious for its abrogation. It was the natural right of every man to be returned to Parliament—it was the natural right of electors to enjoy their suffrages without restraint. The case which led to the enactment which he wished to have repealed, was that of Horne Tooke, who was returned to Parliament in 1801. That distinguished philologist had recommended Lord Camelford (who had had a quarrel with the Minister of the day) to return his black servant as the representative of Old Sarum; but as, on reflection, his Lordship was not willing to go to this extreme, Horne Tooke told him that the next best thing for the country, and the next worst thing for the Minister, would be to return him, and thus he came into Parliament. Lord Temple objected to the return—the matter was referred to a Committee, before whom it was urged that the duties of a Senator would necessarily interfere with the duties of a clergyman, and the reasoning prevailed against the opinions of Mr. Fox, Lord Thurlow, and the most enlightened Statesmen of the day. Who were averse from so great an infringement on the liberty of the subject as that of excluding any class of men from Parliament. The result was the Act 41 George 3rd, c. 63. He did not intend by his Bill to provide that clergymen who had sacred duties to discharge should have the right to sit and vote in the House of Commons, but merely that such a privilege should be given first to any individual who having hastily taken holy orders conscientiously recanted; or secondly, to such as enjoyed no benefices, and had, therefore, no occupation. All he contended for was, that the doors of the House should be open to all who had nothing else to do, and he had no objection to the introduction of a clause declaring that the acquisition of a benefice should vacate the seat. All interests but those of the clergy were represented in the House of Commons, and it seemed to him an act only of justice to admit them. The chief ground on which he relied was, that no reason could be urged to the contrary, and in all questions of the kind the advocates of exclusion were bound to establish their case: the burthen of proof was upon those who maintained the fitness of the existing law. He moved, that "Leave be given to bring in a Bill to repeal so much of the Statute 41 George 3rd, c. 63, as prevents persons in holy orders, not holding benefices with the cure of souls, from being elected to and serving in Parliament."

Mr. *Baring* was not aware, until he entered the House, that such a subject was to come before it. The case of Horne Tooke was certainly in point, since he was a man who had early entered the Church, and had for many years conscientiously forborne from the discharge of any of the duties of his sacred character. He could not see why such a man should not be allowed to sit in the House of Commons, although it would be unwise to admit any clergymen in the possession of livings, and who were bound to watch over the morality and religion of their parishioners. If the Bill had gone to that length he should have resisted it; but, according to the explanation of the hon. Member, he saw no reason for refusing to allow it to be introduced.

Lord *Althorp* said, there would be a great difficulty in distinguishing between such clergymen as conscientiously recanted, and such as repented of having taken holy orders for other reasons. The hon. Member had alleged no practical grievance, which resulted from the present state of the law, and although he was a Reformer, he was a Reformer only when it was proved that evils really existed. He, therefore, recommended the hon. Member to withdraw his Motion.

Mr. *Bernal* regretted that the hon. Member had not taken up this subject with his usual good sense and discretion. He apprehended that his intention was, to give every clergyman a right to sit in Parliament, who had not a right to sit in convocation; but did the hon. Member think it right, or even decent, that persons in holy orders, perhaps in their reverend habits, should be tempted to expose themselves on a hustings, and to partake of all the contamination of a contested election. Surely, such a situation was unbefitting the sacred character of the gown. The effect of the Bill would be, that young aspiring reverends would struggle for seats in the House of Commons, as the means of obtaining provision in the Church from the minister. Allusion had been made to the case of Horne Tooke, and to his conscientious scruples, but an instance of the kind might not occur again for centuries.

Mr. *Plumptre* objected to the Motion. The number of beneficed clergymen who wished to give up their profession was so small, that it was not worth while to frame a Bill on their account; and as for the unbeneficed clergymen, he objected to the Bill on their account, for the only effect would be, that if they were once to get a hold of the minister, the latter would be clamoured out of benefices, whether he approved of the parties or no.

Mr. *Pryme* did not think that a clergyman would suffer anything derogatory to his character by having to undergo the ordeal of a contested election. At the same time, as he perceived that the sense of the House was against his Motion, he would not press it.

Motion withdrawn.

CATHOLICS AND TRINITY COLLEGE, DUBLIN.] Mr. *Sheil* rose, to move for liberty to bring in a Bill to enable Roman Catholics to hold Professorships and Scholarships in Trinity College, Dublin. The question was not merely Irish, for it was connected with the principles on which the claims of the Dissenters were founded. He had originally given notice, that he should move for the admission of Roman Catholics to Lay Fellowships, but, as the Lay Fellows might become Senior, and as the College was governed by the Provost and seven Senior Fellows, he had relinquished his purpose. To such a proposition it might be objected, that Trinity College was an appurtenance of the Establishment—an outwork of the Church. He therefore should not press it, but confine his Motion to the Scholarships and such of the Professorships as were unconnected with the profession of any particular form of religion. He would first state the law as it stood, both under Acts of the Legislature and under Statutes of the University. The Act of Conformity required, that all Fellows and Professors should sign a declaration incompatible with Catholicism. Before 1793, Roman Catholics could not take degrees. That privilege was conferred by the Irish Act of the 23rd George 3rd. By the 7th Section of that Act it was enacted, that they might hold Professorships or Fellowships in any College to be thereafter founded in the University of Dublin, or be members of any Lay Body Corporate, except the College of the Holy Trinity. This clause was virtually adopted in the Act of 1829. Under these Statutes it was clear that no Roman Catholic could become a Fellow. From the Professorships and Scholarships Roman Catholics were excluded by resolutions adopted in the College itself. They must comply with forms at variance with their principles. The question was, whether these forms ought to be dispensed with? and it lay on him to show, that the admission of Roman Catholics to situations unconnected with the Church could not affect the character of the College as a Protestant establishment. First, he should consider the Professorships. The following were those to which he asked for eligibility:—the Regius Professorship of Civil and Canon Law was founded and endowed by Charles 2nd out of the revenues granted to the College by the Act of Settlement. The Regius Professorship of Feudal and English Law was founded in 1761: the office was held by the Solicitor-General for Ireland. The Regius Professorship of Medicine, of Greek, and of Astronomy; the latter was held by a gentleman of great abilities, Dr. Hamilton. He was elected when he was only 19. Had he been a Roman Catholic, his religion would have closed the observatory against him. There could be no sound reason why, to the Professorships of Natural Philosophy, Oratory, Mathematics, History, and Oriental Languages, Roman Catholics should not be admitted. In 1785 an Act of Parliament was passed to establish three Professorships—one of Astronomy, one of Chemistry, and one of Botany; and it was provided, "that the said Professorships should be open to Protestants of all nations." This was, at this moment, the law. Was it not a reproach to our Legislation that the natives of Ireland should be excluded from the literary and scientific offices in the only national establishment, and that every Protestant wanderer, no matter whence he might come, should be eligible to those situations? To alien Protestantism the Legislature gave welcome, while to its fellow-citizens and fellow-subjects, who differed on a mystery, it denied the rewards of genius, and the excitements to exertion. He would conclude his enumeration of the Professorships with a reference to those connected with foreign languages. The following was an extract from an official document relating to them. On the 29th of October 1776, the King directed a letter to the Lord-lieutenant: — "Whereas our right trusty and well-beloved Councillor, John Hutchinson, Provost of our College of the Holy Trinity, has introduced into the said College two Professors or teachers of modern languages, the one of whom teaches the French and German, the other the Spanish and Italian languages, now we have granted the yearly sum of 200*l.* payable out of our revenues in our kingdom of Ireland." In the year 1824, a remarkable incident occurred: a vacancy having taken place, some Italian refugees, men of great acquirements, and who had enjoyed considerable rank in their own country, became candidates for one of these Professorships, an abandonment of their religion was demanded, and the Irish public were shocked to see men who had sustained misfortune in an honourable cause, called upon to yield this inglorious compliance with an intolerant and degrading requisition. He was unable to see any sound objection to the abolition of the impediments which were thrown in the way of talents and erudition. If the Professorships had attached to them any function associated with the State religion, there might be reason for refusing his Motion; but they were totally unconnected with the Church, and unattended with the slightest political authority. The next point to which he should call the attention of the House was the exclusion of Roman Catholics from the Scholarships of the Universities. There were seventy scholars: they held the situation for five years only. There were, consequently, a certain number of vacancies in each year. These Scholarships were instituted for the benefit of the class of students whose fortunes were not ample; so much so, that no persons having above a certain income could hold them. The following account was given of Scholarships in "The Dublin University Calendar:"—'The Scholars are on the foundation, and have their commons free of expense, and their rooms for half the charge paid by the other pensioners. They are excepted from College charges or decrements, and receive an annual salary. They hold their Scholarships until they become, or might have become, Masters of Arts. The number of Scholars is seventy, and of these thirty are termed natives (Hibernici), and receive a higher salary from the College, than the rest; it has been maintained, that these places were not merely intended for those born in Ireland, but for such as spoke from infancy the Irish language.' He would ask, for what possible reason were Roman Catholics, who were allowed to take degrees, excluded from these advantages, except on the terms of a self-degrading conformity with the Established Church? Formerly the scholars had one political privilege, that of voting with the Fellows for a member for the University. That privilege might now be said to have become of little value, since the Masters of Arts had been invested with the franchise. Under the Reform Bill a Catholic could vote; his name, for example, was registered; and yet, if he were in Trinity College to-morrow, he could not become a candidate for a Scholarship. It might be said, that the Scholars were members of the Corporation. What power had they in it? Not the slightest. They could not, if they were all to unite, effect any one decision of the Board. In what way was it possible that, if every one of them was a Roman Catholic, they should prejudice the interests of the Established Church? It might be said, that Protestantism ought to take its stand on the Emancipation Bill. Apply this argument, and the Roman Catholics must be denied their degrees in the English Universities. How preposterous was it to allow a Roman Catholic of fortune to enter Trinity College, to obtain pensions and distinctions and degrees, and to deny to those of smaller means the opportunities of advancement which a Scholarship afforded! It was to a young man of moderate income a great object to acquire a Scholarship. How painful it must be to many individuals to be compelled to call on their parents to subtract from their comforts the sum sufficient to support them in the University; and how it must delight the hearts of the affectionate and good, to be placed in that station of independence which might enable them to relieve their families from the burthen incidental to their education! How many a mother, with a family of orphans, had toiled and pinched herself in order to supply a pittance for the instruction of her child; and how much privation it would have saved, and how much pain it would have prevented, had these means been afforded to Roman Catholics of extricating a parent from the necessity of contribution! The distinction made by the exclusion of Roman Catholics was odious. It was one of the badges of ascendancy left on the classes who ought peculiarly to be relieved from it. From the forehead of the rich the stigma had been removed. Let it not then be left on the forehead of the humble student toiling not only for distinction, but for bread. He might be told that many Roman Catholics had been induced to change their religion by the allurements of a Scholarship. The "fishers of men" ought not to use such base baits as these. One of his chief objections to the present system was, that it created in the University a means of despicable and most degrading proselytism, which, instead of raising the interest of the Church, corrupted the morals of the College. So unworthy a temptation ought not to be held out. Take a poor lad, and see how far he was improved by such a progress as that. He left home with his knapsack of literature on his back—became a sizer—distinguished himself—the period when he was eligible to a scholarship arrived—he shrunk at first from the desertion of his creed, although weaned a little by three years of College life from its exercises, and not dedicated to devotion, still the recollection of that form of prayer in which he was instructed, by maternal fondness, and the memory of his home, associated with his early piety, came upon him. But he saw in a scholarship the means of present competence and the avenue to future independence. He hesitated—encompassed by men who scoffed at other creeds besides his, and whispered in his ear what it was needless to repeat; he began, at last, to think that his scruples were but folly, and his principles but prejudice; and throwing off his Christianity and his Catholicity together, he put on remorse and shame, and became a jeering and sardonic renegade. Did the Church gain anything by such a neophyte in Protestantism as that? Did the Legislature, while it plucked up the religion of his heart by the roots, cast the seeds of legal orthodoxy in his mind? It made an apostate, and profaned the steps of the altar with his false and mercenary genuflection. Away with a system of Proselytism like that! Away with this propaganda, not of Protestantism, but of scepticism! for, rest assured, that, in seducing a Roman Catholic, by mercenary motives, from his religion, they did but teach him to deride and scoff at their own. The House—the Government—would be ittle disposed to maintain, that the interests of the Church were advanced by such expedients. He would call on the Government to act in conformity with the principles laid down when the Education Commission was established. The Government had chased the spirit of Proselytism from the inferior departments of education, and from the only national establishment connected with literature and science, it ought to be contumeliously driven. There were eight millions of people in Ireland. It was not from five or six hundred thousand that a supply of genius should be drawn. Search for it wherever it could be found. Let the career of letters be thrown open to all classes of the community. From the Bar, and from the Senate, fanaticism had been put to flight. It was not to the groves of the Academy, that it should be permitted to retreat. He moved for leave to bring in "a Bill for the admission of Roman Catholics and other Dissenters to Scholarships and certain Professorships, as are unconnected with religious instruction, in the University of Dublin."

Mr. *Lefroy* rose to oppose the Motion. Any one could easily see, that that small beginning was but the first step to the subversion of the Irish University, and, through the subversion of that nursery of the Irish Church, to the total extinction of the Protestant religion in Ireland. That was no slight alteration, as the hon. Gentleman insidiously intimated, but one of great and lasting importance; one that would eventually involve the constitution of the University in destruction. He hoped to convince the Government, since the hon. Member directed his appeal to that quarter, that there was no one principle of justice or national good on which they could stand in introducing any legislative innovation on this subject. First, the hon. Member would open scholarships to all persons of all religious persuasions, or of none. But he well knew that by the constitution of the University, which in the spirit and letter of its Charter was founded, endowed, and upheld for the culture and support of true religion, all its offices were exclusively confined to Protestants. If, indeed, the Irish people stood with respect to the University in the same situation as the English Dissenters did to the English Universities, then there might be some foundation for an appeal to Parliament. But when the Dissenters of all classes were not only allowed the privileges of admission and instruction but even of degrees in the Irish University—when the University was found to answer all the provisions of national education without murmur or public remonstrance from the people—when it was on every side allowed that—

Colonel Perceval moved, that the House be counted; and a sufficient number of Members not being in attendance, the House adjourned.

HOUSE OF LORDS,

Friday, May 9, 1834.

MINUTES.] Bill. Read a first time:—For the sale of Fish. Petitions presented. By the Duke of RICHMOND, from Kemptown, for the Repeal of the Duties on Malt and Hops.—By the Earl of ROSEBERY, from Linlithgow, for the Better Observance of the Sabbath.—By the Duke of BUCCLEUGH, from several Places, for Protection to the Established Church.—By the Duke of RICHMOND, from Steyning, for the Repeal of the Sale of Beer Act; from several Places, for the Better Observance of the Sabbath; from the Hand-loom Weavers of North Meols, for Relief; and for the Repeal of the Corn Laws; from the Dissenters of Horsham, for Relief; and for the Separation between Church and State; from a Number of Dissenting Congregations, for Relief to the Dissenters.

COURT OF CHANCERY — IRELAND.] Lord *Plunkett* rose, pursuant to notice, to lay upon the Table a Bill for the Amendment of the Proceedings and Practice of the Court of Chancery in Ireland. At the present stage of the measure he did not think it necessary to do more than enumerate the various provisions of the Bill, reserving to himself the opportunity of more particularly calling attention to the nature and effect of those provisions upon the second reading, when the Bill would be in their Lordships' hands. He had not thought a Committee of Inquiry necessary as a preliminary to the introduction of these enactments, as most of them were analogous to the Amendments already approved and adopted in the Court of Chancery in this country. There were some enactments which were not borrowed from the Bill for amending the Court of Chancery in this country; but the object of them was to assimilate the practice of the Courts in both countries, and to remove anomalies, to abridge the expenses, to shorten the proceedings, and to lessen the delays in the administration of justice in Ireland. The noble and learned Lord gave an outline of the Bill, and said, that he should go more at length into the subject when the Bill arrived at the second reading.

The Bill was read a first time and ordered to be printed.

DEANERY OF DOWN—EXPLANATION.] Lord *Plunkett* reminded their Lordships, that, in giving notice of his intention to bring forward this measure, he had also given notice, that he should throw himself upon their Lordships' indulgence, to make a statement which, strictly speaking, did not relate to the measure, but which was personal to himself. He did not know that he owed their Lordships an apology for claiming that indulgence. He should rather have thought himself bound to ask their forgiveness if he had not come forward to make some observations upon the subject to which he was about to refer. It would be in their Lordships' recollection—if, indeed, they called to mind anything connected with so humble an individual as himself—that many remarks of a harsh character had been made upon his conduct in another place. He did not complain, nor had he any right to complain, of such remarks having been made; and, however he might have been wounded by the manner in which those observations were made, it was the undoubted right of every individual in the other House of Parliament to censure public conduct, and to make such remarks upon it as a sense of propriety might suggest. He had no right to complain of those observations having been made in a place where he had not, and could not have, any opportunity of defending himself. But it was not unnatural that an individual who had been attacked, should be anxious to embrace the first opportunity of defending his conduct; and, therefore, he was sure their Lordships would excuse him for detaining them with what he was about to say. He was not ashamed to repeat, that he had been deeply wounded,—hurt more than he could express,—more, perhaps, than belonged to the nature or degree of the attack which had been made upon him—since the moment when he first heard of it having being made. He considered that the character of a public man was public property; but, at the same time, the fact of his filling the situation which he had the honour to hold under his Majesty, was very likely to create, on the part of their Lordships, an anxiety to hear whether there was any foundation for the imputation of the motives which had been charged against a Member of that House, and which, if true, would render him unworthy of a place in it. He would not unnecessarily occupy a moment of their Lordships' time; but he owed it to himself and to the House, to state the matter fully and clearly. The charge made against him two months back, in another place, was, that he, having been a member of the Commission which had issued in Ireland, in the year 1830, for the purpose of inquiring into certain points connected with abuses in the Church Establishment, into the propriety of disuniting certain parishes, and other subjects mentioned in the Commission,—having, in the month of April, in the year 1831, signed a recommendation for disappropriating the union of the Deanery of Down, with a full knowledge of its having been made, did, in the month of October following, solicit the situation of Dean of Down, which had then become vacant, from his noble friends, the members of his Majesty's Government, in behalf of his son; and that he did, with that knowledge in his mind, conceal from them the fact, that such a recommendation had been made. When this charge was first made, he felt indignant, that an individual, who had been a public man more than thirty years—and he might say, without arrogating too much to himself, without stain or imputation—should be liable to have such an accusation preferred against him. If such a charge had been made by the meanest person in the community, it would have been sufficient to affect the feelings of any man, but it was rendered more galling, by having been preferred by persons who occupied a high station in society. He did not cast any censure upon those with whom the accusation originated. He was willing to suppose, that they were actuated by a sense of public duty. His character had been defended by friends, to whose exertions he was deeply indebted; but when the charge related to a certain fact, not at the time the charge was made within the knowledge of any but the individual accused, no person could meet it with a proper denial, except that individual himself. On that account he came forward, and declared solemnly on his honour, that the charge had no foundation whatever. Perhaps he was entitled to say, that after a fact which rested merely on assertion, had been denied, no further defence need be made. He could not, however, rest satisfied with a bare denial. He had stated the extent of the charge against him, and his case in answer to it was this:—First, he did not know, at the period when the honour—which he never solicited—was conferred upon his son—nor had he any reason whatever to suspect at that period, that any such recommendation had been made, that he never signed such a recommendation, and that he had no reason to believe, that such a recommendation had been signed at all. Next he said, that as soon as he did learn, which was not till July 1832, of this recommendation having been made in the month of April, 1831; he immediately came forward, and in the most explicit manner declared, that he thought, his Majesty's Government ought not to be embarrassed by his son having been appointed to the Deanery of Down; and unconditionally, on his part, he at once took upon himself to waive the unconditional appointment, and to beg, that the living might be considered as vacant. These were the two points which he was bound to make out. With regard to the first, he should refer to a few passages in the Report of the Commissioners. He did mean to say, that it was charged in the precise terms which he had used, that he had signed this recommendation; but, he had no doubt, that ninety-nine persons out of the hundred, considered that the charge against him was, that he suffered his son to be appointed to the Deanery of Down after having signed this recommendation. He did not sign it. He had brought down, for the purpose of laying before any noble Lord who might be disposed to look at it, that Report, as it was ordered to be printed by the Commissioners. It was made on the 18th of April, 1831, the Commission having issued in the month of October preceding. The Report, and the body of evidence on which it was founded, occupied 1619 folio pages. To no part of that had he been in any respect a party — to no part of it had he subscribed his name, except at the end of the first sixteen pages, which contained the Fourth Preliminary Report. The remainder was the Appendix which belonged to it; the Report was signed by the seven Commissioners, of whom he was one. Now, he begged to state, and the fact would be apparent on the face of that Report to any one who would take the trouble of examining it—that in it not one syllable was contained with respect to the Deanery of Down, — not one syllable with respect to any deanery, or to any specific benefice; but there was a general declaration in this Report, in which he perfectly and entirely concurred, that it would be right and proper, on vacancies arising in the ten dioceses therein referred to, forming the province of Armagh, to disappropriate the livings of some of them, although not of the whole. The Commissioners stated, in page 10, that there were 110 unions in these dioceses; not specifying any one of them by name, but declaring, that a certain number would be fit for disappropriation, and that the remainder would not. They then went on to state, that it would be necessary to have some general measure introduced for the purpose of carrying their recommendations into effect; and added, that it would be necessary to give all the cases further consideration, and to require additional evidence before any other steps were taken. The Appendix containing the application of this general principle,—in which he entirely concurred,—to each of the livings, was exclusively framed by the three clerical Commissioners, whom it was only necessary to name, to ensure for them respect; the Lord Primate of Ireland,—the Bishop of Dromore, Dr. Saurin,—and the Bishop of Down, Dr. Mann. There were not fewer than 100 schedules annexed to the Report with recommendations to each of them. They were exclusively and entirely framed by those right reverend persons, who had appended their signatures to each, without any communication whatever with him upon the subject, he was not in attendance on the Commission, he had not an opportunity of knowing any one of their proceedings, they were never laid before him, they were never adverted to in his presence, nor was any communication made to him calculated to bring under his observation any of the recommendations respecting the Deanery of Down, or any one of those ten dioceses in the province of Armagh. He had no particular connexion with the subject; it was not one for him to take up, and he begged their Lordships to understand, that he was not appointed a member of this Commission, as Lord Chancellor of Ireland, because he had not the honour of filling that office when the Commission issued. His noble friend whose administration in Ireland was marked by the best and wisest measures, begged of him, in the month of October, to allow his name to be placed in this Commission; in the December following he was appointed Lord Chancellor of Ireland. The Reports were made in December, January, and February, during the whole of which period he was engaged in the arduous duties which had devolved upon him, in consequence of the heavy arrears of business which he had to transact on succeeding to office. He could not, and did not, attend the meetings of the Commissioners. When he was not actually engaged in the Court of Chancery, he was under the necessity of attending his duties in that House; and when he returned to Ireland in April, the Report had been made, and the Appendix drawn up; in fact, everything was done without his knowledge. The Preliminary Report of sixteen pages was read in his hearing, but the Appendix was not read at the meeting of Commissioners, nor was any observation made upon it, nor did any conversation take place with respect to it, calculated to direct his attention towards it. He objected, in the first instance, to signing even the Preliminary Report, on two grounds; one was, that at (page 9, he thought), a passage occurred relative to proceedings in the Court of Chancery in Ireland, and he expressed his apprehension, that he should, perhaps, by signing the Report, forestall some of his duties as Chancellor. The charge against him was, that he signed the Preliminary Report without having read it. He should show their Lordships presently, that he refused to verify a particular part of the Report. The second objection which he made to signing the Preliminary Report was, that he had not any acquaintance with the details of the Appendix, and, therefore, he did not consider that he ought to sign it. The reply made by some of the Commissioners, for whom he entertained a very high feeling of respect, was, that if he declined to sign the Preliminary Report, the conclusion would be, that he disapproved of the principle; and that, by signing it, he was not necessarily pledged to the details of the Appendix. That being pressed upon him, and he, approving completely and entirely of the principle of the Report, consented to sign it. He did not mean to say, that he was entitled to be exempted from the responsibility of the recommendations contained in the Appendix; but, without going through that, which he could not have done consistently with the other duties he had to discharge, and taking into consideration the high character of the distinguished Commissioners, he thought he was perfectly secure in signing the Preliminary Report, and expressing his concurrence in the general recommendations. What he stated in his defence was, that he did not know of the recommendation when the appointment of his son took place, and that as soon as he knew of it, he interposed for the purpose of having the living considered vacant. He could state, for their Lordships' consideration, a hundred circumstances which occurred at the time to prevent his having the most distant suspicion of the existence of any such recommendation. Their Lordships would observe, that the Report did not state, that certain acts were to be done, but that further consideration was required, that Acts of Parliament were necessary, and that the Commissioners would have to call for further information. That Report was laid on the Table by the Commissioners, in 1831; and until the month of July, 1832,—six months after the appointment of his son,—he never heard anything concerning the Report. A debate took place, in this House, on the subject of that appointment, and a noble Marquess took occasion to animadvert upon it; but there was no complaint, at that time, of the absolute impropriety of its being made, or of the existence of any such recommendation as that to which he had referred. He entreated their Lordships' attention to the evidence which he was able to lay before them. But, before he produced that evidence, he begged to ask whether, under the circumstances he had stated, his assertion on his honour, that he did not know of any such recommendation in the Report ought not to be conclusive? He would not say that he was humiliated, but wounded, by being called upon to give evidence on such a case. On hearing the charge made against him, and having in his own mind an entire conviction that he had heard nothing whatever of the particular recommendation to which he had alluded, he wrote to the Lord Primate of Ireland, to ascertain what was his Grace's impression as to this recommendation being brought under his notice. His Grace answered in the following terms:—

March 18, 1834.

My Lord,—In reply to your Lordship's letter, I can have no hesitation in stating, that, to the best of my recollection, your Lordship had not any share in framing the Report of the Commissioners of Ecclesiastical Inquiry, nor did any conversation take place in your presence calculated to bring to your mind or knowledge the recommendation of the Commissioners with respect to the Deanery of Down. The analytical digest appended to the Report was prepared by the Bishop of Down, the Bishop of Cloyne, and myself, as will be seen by reference to it, our initials being the only ones attached to it. The Report drawn up by the Bishop of Down upon this, our Preliminary Report, was submitted to the Commissioners, and some alterations were suggested by Mr. Ratcliffe, and adopted, as I understood. The Report which was thus approved of was read over at a meeting of the Commissioners, summoned for the purpose (at which meeting, if I am not mistaken, your Lordship attended), and was unanimously agreed to.

He wrote a second letter to the Lord Primate, stating that he was apprehensive, that when the Lord Primate said, that the Report was read, it might be misunderstood as being the General Report. In answer to this, his Grace stated, that no person could be mistaken on the subject, because, if they looked at the document itself, they would perceive, that the Report read at the meeting of the Commissioners was merely a Preliminary Report. His Grace stated further, that the ground of his (Lord Plunkett's) declining to sign the Report, was an objection to a passage in page 9 of the Report. He would next trouble their Lordships with the statement of Dr. Ratcliffe, with whom he also corresponded on the subject. Dr. Ratcliff stated, there was another ground why he (Lord Plunkett) had not signed the Report. 'I perfectly recollect, he said, that 'you, for some time, at the last meeting of 'the Commissioners of Ecclesiastical Inquiry, refused to sign the Report, because 'you were unacquainted with the details of 'the Appendix, but you were persuaded to 'do so, on the suggestion being made, that 'you could not be considered as committed 'to the details of the Schedule, but only to 'the body of the Report, and that your 'disapprobation of the Report itself would 'be inferred by your refusal to sign it.' The Secretary to the Commissioners had also written him a letter, in which he stated that he (Lord Plunkett) did refuse to sign the Report, on the ground that he was not acquainted with its details. The letter was very precise. The Secretary said, 'In consequence of a conversation 'between Dr. Ratcliffe and me, I take the 'liberty to communicate to your Lordship 'my impression of what took place at the 'last meeting of the Commissioners. I 'perfectly recollect that your Lordship 'objected to sign the Report, inasmuch as 'the business of the Court of Chancery had 'prevented you from attending to the 'details of the proceedings on the subject.' This was the evidence which he had felt it necessary to lay before their Lordships, and he begged leave to ask whether he had or not brought home to every candid mind, a conviction that, under the circumstances in which he signed the Preliminary Report, there was no ground of inference that he had a knowledge of certain things contained in the Appendix of that Report, which he solemnly said he had not? The appointment of his son to the deanery of Down was made in the month of October, 1831. On that subject he heard nothing more till the month of July, 1832. In that month a right hon. Gentleman in the other House of Parliament stated that the Lord Chancellor of Ireland was one of the Commissioners who had recommended that the deanery of Down should not be filled up in case of a vacancy, and yet, notwithstanding this recommendation, he had got his son appointed to it, and the right hon. Gentleman called upon the right hon. Secretary for Ireland for an explanation. His right hon. friend (Mr. Stanley) informed him of this. He (Lord Plunkett) instantly declared to his right hon. friend, as he stated to their Lordships, that he was altogether ignorant of any such recommendation being in the Report of the Commissioners, and declared, that he would not suffer the Government of the country to be in the least degree embarrassed on his account, and, therefore, authorised his right hon. friend to say, that there was an actual vacancy in the deanery of Down. A statement to this effect was made in Parliament, and his right hon. friend said, that he would bring forward a Bill to carry the recommendation of the Commissioners into effect. Shortly after this the right hon. Secretary brought in a Bill for the purpose, and after that he (Lord Plunkett) was not more concerned in the matter than any other member of his Majesty's Government. The right hon. Gentleman who had made the statement was satisfied, and he heard, then, nothing more on the subject. The Bill for the purpose he had stated was brought forward by Mr. Stanley, and received the Royal Assent in August, 1833. This Bill authorized the Government to deal with the deanery of Down and Raphoe as if there was an actual vacancy. The question, then, was whether any unnecessary delay had taken place? The tribunal constituted to take the necessary steps to carry the discontinuance of the deanery into effect was composed of the Commissioners appointed under the Church Temporalities Bill. He was a member of it, but he had laid down a Resolution from which he had not departed, that he would take no part in their proceedings. He believed, that a right reverend Prelate, who was a member of that Board, could explain if it were necessary what had been done. He (Lord Plunkett) would, however, state that as far as he and his son were concerned, he felt that the Commissioners were not proceeding in the matter with that activity which he wished to take place, and he had, therefore, sent to them to make the Return, so as to enable the Lord Lieutenant to carry the object of the Bill into effect, and they stated, that it should be done as soon as the Returns passed the Privy Council. It was not till the 13th of March, that the charge that he had alluded to had been made against him. He was as much surprised at hearing such a charge brought against him as any of their Lordships would be at hearing a similar charge. He had to apologize for having taken up so much of their Lordships' time, but he felt he was bound, not only to himself but in justice to their Lordships, to vindicate himself from such an accusation. The matter had been completed, and the result was, that the deanery of Down had lost half its patronage. He ought also to state, that when his son accepted the deanery he gave up a living which he held of 1,200*l.* a-year, and that by the result he would be a loser of some hundreds a-year. He did not bring any charges against those who accused him, but he felt called upon to vindicate his character, which he trusted he had done to the satisfaction of their Lordships.

Earl *Grey* wished to address a few words to their Lordships on the present occasion. Anybody, he was sure, who knew anything at all of the noble and learned Lord (Lord Plunkett) must have been quite satisfied, without a word being said, that the charge which had been made against him was totally destitute of any foundation whatever, and all who might have entertained a more unfavourable opinion of him, after the satisfactory explanations which had been given in another place, must have been convinced of the propriety of his conduct throughout the transaction, and that he was altogether free from any of the imputations by which his feelings had been so deeply wounded. Although, therefore, any further explanation or vindication was altogether unnecessary, it was yet natural and right that the noble and learned Lord, following up the sort of accusation which had been brought against him, should state —what he alone could do fully and satisfactorily—the share he had personally in the matter. His noble and learned friend had amply vindicated himself. Their Lordships, he was sure, were quite satisfied that his noble and learned friend had not been aware of the recommendation—indeed, he could not; and as the preferment had been given without his noble friend's solicitation, so it had been accepted without any knowledge of the recommendation of the Report. As a person having some concern in that part of the transaction, he (Earl Grey) felt himself called on to state most distinctly, that when he recommended the dean of Down to the preferment, he certainly had no knowledge of the recommendation of the Commissioners; he had taken that course with great pleasure, being satisfied on inquiry that his character and qualifications eminently fitted him for the preferment, that his promotion would tend to the benefit of the Church, while he was not insensible to the satisfaction such an appointment would naturally give to his noble and learned friend behind him. He did not think it necessary to say more than this. The preferment had been given without the solicitation, and even without the knowledge, of his noble and learned friend, and under circumstances which, without going further, rendered it impossible for any one to doubt that his noble and learned friend's conduct on the occasion had throughout been pure and disinterested. Besides, the dean of Down had actually sacrificed, in order to obtain the preferment, a much more valuable living. He had thought it right to bear this testimony in favour of his noble and learned friend, and to state what everybody who knew him would concur in stating along with him—that the characteristic purity and uprightness of his intentions had completely been confirmed by all that had taken place.

The subject was dropped.

Warwick Borough Bill.] The House proceeded with the examination of witnesses on the Warwick Borough Bill.

Lord *Durham* stated, that he wished to inform the House that a difficulty had arisen with regard to the serving of the process of that House upon certain persons at Warwick, whose evidence it was desirable to obtain, and he wished the House to adopt measures to enforce it.

Mr. Butt, the Deputy Sergeant-at-Mace, was then examined. He stated, that he had received a letter from his son, who acted as his deputy, and who had proceeded to Warwick to serve the process of the House upon the three principal witnesses in the case, named Dingley, Oram, and ———, in which he stated that they kept out of the way, that the doors of their houses were closed, that he could not obtain admission to serve the warrant upon them, and that Dingley's daughter was in his house, but that knowing his (the messenger's) business, she would not open the door

The *Lord Chancellor* inquired whether any resistance had been offered?

The witness stated, that the messenger was unable to obtain admission to serve the process.

The *Lord Chancellor* said, that was not enough. They must have the messenger himself at the Bar, and even then his evidence, if it went no further than the statement in his letter, would not be enough. There must be a case of resistance to the process of the House made out, in order to call for the interference of their Lordships in a summary way, by issuing warrants for the apprehension of those persons.

Lord *Durham* did not then see what was to be done under such circumstances. Those were the three principal witnesses in the case with regard to whose conduct the evidence of all those who had been already examined mainly turned, and it appeared that they kept out of the way. The fact was, that they also kept out of the way the whole time that the Committee of the other House was taking evidence on this Bill, and they returned to their homes the moment that the Committee had concluded its sitting.

The *Lord Chancellor* said, they could not help it. They must find those persons out; they could not issue blank warrants.

Lord *Durham:* Then there is no way for enforcing the process of this House, if witnesses choose to keep out of the way.

The Conversation dropped.

HOUSE OF COMMONS,

Friday, May 9, 1834.

Minutes.] Bill. Read a second time:—Administration of Justice in Boroughs.

Petitions presented. By Sir John Hanmer, from Whitchurch, for Relief to the Agricultural Interest, and the Repeal of the Malt Tax; from Shrewsbury and Manchester, for the Better Observance of the Lord's Day.—By Messrs. Young, Clay, and Brougham, from several Parishes, against the Poor Laws Amendment Bill.—By Mr. Buxton, from Officers and Clerks in the Audit and Admiralty Offices, against the Pensions Civil Offices Bill. —By Mr. Hutt, from Kingston-upon-Hull, for the Repeal of the Tea Duties Act.—By Mr. Fazakerly, from Peterborough, for Relief to the Dissenters.—By Sir Henry Parnell, from the Linen Weavers of Dundee, for a Law to fix the Rate of Payment.—By Sir Samuel Whalley, Sir James Scarlett, Messrs. Humphery, Clay, Watson, Scholefield, and Barnard, from a Number of Places,—against the Poor Laws Amendment Bill.—By Mr. George Evans, from Skerries, for Relief to the Irish Fishing Interest.—By Mr. Rotch, from several Places, against Trades' Unions.—By Captain Paget and Mr. Walker, from Anglesea and Bury,—against the Sale of Beer Act.—By Mr. Walker and Mr. Poulett Thomson, from several Places, for the Better Observance of the Sabbath.—By Sir Samuel Whalley, from a Friendly Society in London, for the Amendment of the Act relating to Friendly Societies.—By Mr. Edward Stewart, from Wigton, against the present System of Church Patronage in Scotland.—By Messrs. Cotes and Baines, from several Dissenting Congregations,—for Relief to the Dissenters.—By Captain Paget, from Anglesey, for Relief to the Agricultural Interest, and a Reduction of Taxation.—By Mr. James Oswald, from Glasgow, for Equalizing the Duty on East and West-India Produce; from the same Place, for a Clause in the Poor Laws Amendment Bill to disqualify Persons born elsewhere from acquiring a Settlement in Scotland; from the Medical Practitioners of Glasgow, for Amending the defective Constitution of Medical Corporations; from Gavan, against the Separation between Church and State.

University of Oxford—Dissenters.] Mr. *Estcourt* presented a Petition which had been intrusted to him by his constituents—the Chancellor, the Master, the Fellows, the Professors, and the Students of the University of Oxford—against the Bill pending for second reading on Wednesday next to admit Dissenters to take up degrees in the Universities of Oxford and Cambridge. He considered it a duty on his part, not only as regarded the high respectability of the petitioners, but with reference to the great magnitude and importance of the subject itself, to read to the House the language in which the petition was couched; but before he did so he must express the regret which he felt, that the severe indisposition of his hon. colleague (Sir Robert Inglis) had deprived him of the benefit of his hon. friend's assistance on an occasion like the present, when it was so much needed.—The hon. Gentleman proceeded to read the petition, which commenced by stating the great alarm which the petitioners felt on learning that their rights were to be infringed by the admission of Dissenters to a participation of the privileges which they had so long enjoyed. The Universities were corporate bodies established for the education of youth, and the petitioners conceived that they would not faithfully execute the powers and privileges intrusted to them if they did not in the most solemn and respectful manner protest against any interference on the part of that House with the rights which belonged to these institutions. Only one instance, they said, had ever occurred in which a legislative interference with the management of the Universities was attempted; and if it were now intended, that the union between Church and State should be kept inviolate this Bill must be rejected; for that such a measure would, if passed, eventually lead to a severance of that connection they were thoroughly satisfied. They anticipated the most serious results from any alteration of the law as it existed with respect to the Universities; and if the Bill now before the House were adopted it would be altogether impracticable to afford religious instruction to the youth committed to their charge. The tendency of that measure would be to promote dissension and discord, to banish divine worship in the Universities, and therefore they prayed that Parliament would not abrogate the rights which they possessed, and the exercise of which they deemed indispensable to the proper maintenance of the established religion of the country.—He need hardly remind the House, that this petition referred solely to the University of Oxford, from which Dissenters were excluded. The University of Cambridge was, however, open to Dissenters, though not to the extent they desired. But he denied the right of that House to interfere in such a matter; and there never had been any well-founded complaint made against the system of education adopted in the University of Oxford. There was great difficulty in obtaining admission to that institution; and in no case was a student received without the strictest examination of his moral character. He therefore asked upon what ground the proposed interference could be defended? And, under these circumstances, he, with the petitioners, protested against that part of the measure which authorised the admission of Dissenters to either of the Universities. The University of Oxford was a Corporation, and, as such, as fully entitled as any other Corporation in the kingdom to retain the rights and privileges which had been conferred upon it. This was the first time that an attempt was made by the Legislature to alter the constitution of the University of Oxford, as a reference to the history of that seat of learning would prove. It was true, that James 2nd did interfere with the Universities; but it should not be forgotten, that it was rather as to persons than privileges; and even he did not attempt to abrogate any of those rights which were now so violently and so unjustly attacked. Even in the time of the Great Rebellion, no such attack was directed against the Universities, although every other ecclesiastical establishment in the country was assailed with violence; and, therefore, he must insist, that this measure was a more glaring assault upon the Universities than they had ever before sustained. What might become of this Bill when it was introduced into the higher branch of the Legislature God only knew; but, without anticipating its ultimate fate, he could not help saying that, if such a measure should obtain the sanction of this House, the future historian, who looked back at their proceeding, would have ample cause to blush for the conduct of the Reformed House of Commons. The petitioners stated, that the by-laws and regulations of the College were made by them, and that the youth committed to their charge were educated in strict conformity with the tenets of the Established Church; but if such an interference as this were admitted, how would it be possible for the present system of education adopted in the Universities to be carried on? The admission of Dissenters, it was apparent to all reflecting minds, must go the length of abolishing religious instruction altogether; and, therefore, every Member of that House who was desirous of maintaining the ascendancy of the Protestant Church was bound strenuously to resist a Bill, the principles of which were calculated only to sap and weaken, with a view ultimately to destroy, the foundation of the established religion of the country. He did not think, however, that any actual danger impended over the Church itself, because he was satisfied it was too firmly based to be injured by such means; but still it was obvious, that if they deprived the clergy of the advantages of a Protestant education, such as they now received through the medium of the Universities, they would take from the Church the first stone of the foundation on which it rested. He hoped he had said quite enough to convince the House of the great and imminent danger of passing such a Bill as this. They had before their eyes one instance of the effects of discordant opinions with respect to religion in an establishment for the education of youth from which religious instruction had consequently been banished; and he would ask them, whether it would be wise on their part to follow such an example, and thereby not only give the enemies of the Church a triumph over them, but pave the way for the separation of Church and State?

Mr. *Hill* said, that the hon. Member for the University of Oxford had stated, that immense mischief and danger would accrue to the Universities if they touched those institutions, and that the admission of Dissenters would raise such religious controversies that the orthodoxy of the Universities would be sapped to their foundations. But Dissenters had been already admitted to Cambridge. The experiment had been tried; and, he asked, had it sapped the orthodoxy of Cambridge? He thought this was a sufficient answer to the alarm of the hon. Member.

Mr. *Ingham* participated in the alarm of his hon. friend, and did anticipate great danger from the passing of the Bill then before the House. As long as the Established Church was to be maintained, the exclusive character of the Universities of Oxford and Cambridge, as far as related to ecclesiastical degrees, ought also to be upheld.

Colonel *Williams* could not understand why other institutions were to be altered and amended, and that the Universities of Oxford and Cambridge were to remain unchanged.

Mr. *C. Buller* said, that it was his belief, that if the Universities would meet the Dissenters, that the latter might be admitted into the Universities without the slightest injury to the interests of the Universities.

Petition laid on the Table.

Mr. *Forster*, in presenting a petition from members of the Established Church in Walsall, against the Bill for the admission of the Dissenters to the Universities, said, that he could not agree with the hon. member for Oxford.

Mr. *John Stanley* supported the claims

of the Dissenters, and denied, that the Church of England could claim the property and privileges of the Universities on the footing of private property. If its clergy persisted in their opposition to the rightful claims of the Dissenters, the Establishment would become a practical grievance, and must be dealt with as such by the Legislature.

Sir *Richard Vyvyan* contended, that until it could be proved, that the Universities were not Corporations, they should not be deprived of their rights; and, for his part, he should defend their privileges until they themselves called for alteration. They ought to take a serious lesson from the Motion which was brought forward by the hon. and learned member for Tipperary last night. The object of that Motion was to enable Dissenters and Roman Catholics to participate in the whole of the advantages to be obtained in the University of Dublin; but although the advocates of the claims of the Dissenters disavowed all desire on their part to appropriate to themselves fellowships, professorships, and scholarships, was it not clear to the commonest understanding, that if one concession were granted to them, they would use the power placed in their hands to obtain others? All he could say was, that if this Bill were passed, he should be prepared, and at no distant period, to see the Dissenters as clamorous for a full participation in every endowment of the Universities as they were now for admission into them.

Mr. *Baines* observed, that it had been said, the Dissenters did not desire professorships and scholarships; now, he begged to say that they did, but they certainly did not wish for any ecclesiastical offices; because they were not congenial with their own principles. They merely wished to obtain those privileges of which they were deprived as Dissenters, and which they could only enjoy as Dissenters. It was said to be a popular doctrine, that Dissenters should be placed in a situation of exclusion; but it was not a popular doctrine; on the contrary, it was very unpopular, and the conduct which the Universities were pursuing towards the Dissenters under their professed and avowed opposition to the separation of Church and State was the very means of hastening the discussion of that question, and the churchmen were defeating themselves. He had thought proper to make that open declaration, because anything short of it would be hypocrisy, of which neither he nor the Dissenters of this country were capable. The members of Oxford and Cambridge were represented as wishing to secure to themselves liberty of conscience, and undoubtedly they had a right to that liberty; but let them consider how far they were infringing on that right in submitting certain tests to candidates of any description for admission to the Universities. It was said, they were anxious to preserve uniformity; this was the charge brought against the Roman Catholics in former times, and it was the worst part of the Roman Catholic religion which the Universities preserved. As long as there was but one religion, and, as it was said in Spain, "but one, and that the true religion," of course it was all uniformity; but was that a doctrine to be propagated in this country? It was said, the Dissenters designed to seize on the rights and privileges of the Universities by violence. This he denied, and he wondered how the hon. member for Oxford could undertake to assert it, seeing that the Dissenters quietly and respectfully petitioned the Legislature to enact such laws as would give them those privileges to which they had an undoubted right, to the endowment of the different Colleges. It was a fact, that thirteen out of the nineteen Colleges at Oxford, and twelve out of the sixteen at Cambridge, were endowed before the Reformation; therefore, if they were to be placed on their original foundation, there was another religious body which had the best right to them.

Mr. *Estcourt* expressed his admiration of what had fallen from the hon. Member who had spoken last. If the first degree were granted to the Dissenters, it would be injustice to deny them to all the others; they would be hypocrites if they did not seek for them also. The concession of privileges to them would be an infringement upon the laws and rights of the University.

Mr. *Baines*, in explanation, said, that he could not keep back a fact that was already before the public, namely, that the Dissenters, at their meeting on the previous day, had passed a Resolution to the effect, that it was expedient a separation should take place between the Church and State.

The Petition was then laid on the Table.

Trade with Portugal.] The Order of the Day being read, for the House to go into a Committee on the Four-per-cent Annuities Acts,

Mr. *Robinson* rose to propose an Amendment. He observed, that he saw the right hon. Secretary for the Colonies suggesting to the noble Lord, the Chancellor of the Exchequer. He rose for the purpose of moving for certain papers connected with the passing of a decree by the Portuguese Government which materially affected our commercial relations with Portugal. He was sorry to see the noble Lord, the Secretary for Foreign Affairs, smiling at the very mention of it. The subject was, perhaps, beneath the consideration of a Minister so deeply engaged in diplomatic relations.

Lord *Althorp* must, at once, protest against the Amendment of the hon. Gentleman. He thought, the course the hon. Member was pursuing was most inconvenient. The Amendment which the hon. Member proposed to bring forward had no relation whatever to the four per cents.

Mr. *Robinson* admitted, that the course he was pursuing was a most inconvenient course, and confessed that there was no excuse for his Motion except the fact that he had sought all manner of opportunities from the Government to bring the question forward at such time, and in such manner as might be agreeable to them; but he could obtain no assurance with respect to any particular period on which he could depend. In adopting an unusual course of proceeding, which he maintained had been imposed upon him by the Government, he felt he had a right to claim the indulgence of the House.

Colonel *Evans* thought, that if the hon. Member had not some legislative enactment to propose—if he had only to pronounce a censure upon this Government or some past Government—he would not be justified in persevering in his Amendment.

The *Speaker* said, that according to the forms of the House and the law of Parliament, there was no necessity that the Amendment should be akin to the question. However, it would be much better if the House should always know upon what subject it was likely to be engaged, and, accordingly, he thought it would be incumbent upon the hon. Member to show, either that the Amendment related to a matter of pressing importance, or else that it bore upon the question before the House.

Mr. *Robinson* said, he was perhaps the least connected with party of any man in that House, and therefore he could not call for that adventitious support, the value of which was so well known to hon. Members connected with party in that House. If the noble Lord (the Chancellor of the Exchequer) would name any day in next week, he would be happy to give way on the present occasion. He understood from the noble Lord, that he could not. Well, he must proceed. He had the authority of the Speaker for proceeding. The case he had to urge, was one of pressing importance. By a late decree of the Portuguese Government, we had been placed in a less advantageous position with respect to our commercial relations than we had been in for the last 125 years. He did not quarrel with the Portuguese Government for this measure; they had the full right to pass it, although he thought the course they had pursued was an extraordinary one, and not very conspicuous for its gratitude towards the present Ministers of England. He would state to the House, without hesitation, that his conviction was, that this decree was brought about by the imprudent and injudicious conduct of the Government in 1831. The noble Lord had no excuse for his conduct at that period; he was warned by all connected with the Oporto trade, by him (Mr. Robinson) among others, that it must bring about such a result as that which they now had to deplore. The noble Lord expected three advantages from the equalization of the duties upon wine. First, that the revenue upon wines would be increased. The fact was, the revenue was diminished. Secondly, that the consumption of French wines would be increased. On the contrary, the consumption had rather diminished. Thirdly, it was supposed, that the spirit of commercial liberality, and of reciprocity would have greatly increased, but no such event had yet taken place. M. Thiers had certainly made some remarks upon the subject at Havre, which no doubt found favour in the eyes of the people there. The right hon. the President of the Board of Trade had also, he entertained no doubt, received, upon the occasion of his late visit to Paris, very flattering compliments from the French Government: but, notwithstanding all the laudable and strenuous exertions of the right hon. Gentleman and Dr. Bowring, he begged to ask if anything tending to the commercial advantage of England had yet been adopted. He believed, indeed, there was a proposition to diminish the duty upon English coals, and on cotton-wool; but surely it must be obvious to all Gentlemen, that those reductions were for the advantage, not of the English, but of the French manufacturers. He admitted, that it was desirable that we should extend, if possible, our commerce with France, but he did not think our Government were taking the right way to the attainment of that end. He believed, that our Government had no just ideas of foreign policy, so far at least as the commercial interests of Great Britain were concerned. Although the noble Lord, the Secretary for Foreign Affairs, might be a great protocolist—although he might be a person most potent to arrange the most tortuous diplomatic processes—the affairs of Greece or Belgium—he was convinced, the noble Lord was entirely ignorant, he meant not the word offensively—of all commercial matters. In common with the majority of noble and hon. individuals connected with the Government, the noble Lord had an aristocratic contempt for commercial pursuits, and those attached to them, and therefore he, for one, did not wonder that they remained unattended to. He had to ask the noble Lord one question, and that was, whether the noble Lord had received the decree of the Portuguese Government affecting British commerce, and whether any remonstrance had been made against it. He must protest against the system of suspicious neutrality which had been observed by the Government of this country with respect to Portugal, the effect of which had been to disgust and to estrange both parties from England. The decree which had been lately passed in Portugal was an insult, not to the country —that he did not say—but certainly to the Ministry, who had done more than they ought, more than they were justified in doing, to support the prevailing Government in Lisbon. We had lost commercial advantages in Portugal; but it was by no means unlikely, that we should yet be called upon to contribute from the funds wrung from an overtaxed population to the establishment of Don Pedro's Government in Portugal. If the Acts lately done by the Administration of Don Pedro in Portugal had been done by Don Miguel, there would have been a grand manifestation of feeling upon the subject on the part of the Government, through the medium of the noble Lord opposite (Lord Palmerston). But now all Acts of oppression, violence, and injustice, were passed over without comment, because they were the Acts of what was called a liberal Government. If Don Miguel were now in Lisbon, and such things had been done, the noble Lord would be but too glad to come down to that House with the view of exciting the popular indignation against the tyrant. For himself, he spoke without any feeling of favouritism on this subject. He did not care one farthing which of the brothers succeeded in the contest. They were each equally worthy of a Throne. He believed, however, that the object of the noble Secretary for Foreign Affairs, was to make a mere puppet of Donna Maria; and to have the appointment of her Administration. This, he was convinced, was the opinion of Don Pedro, and of his Ministers, and therefore was it that they had passed that decree. The original cause undoubtedly was the equalization of the duties on wine, by our Government, and against this he inveighed as most impolitic and most unjust. He did not know what course he could now pursue, except to move for papers connected with the decree to which he had alluded. The conduct of this Government in all commercial affairs had tended to offer a premium upon the throwing of impediments in the way of British commerce. He did not wish to use any expression which might appear offensive, but, in all courtesy, he would observe, that he thought there was a flippancy in the manner of the noble Lord, when alluding to the Prussian league, which was, in his mind, exceedingly to be deprecated. He thought the moral of the whole bearing and speeches of the noble Lord upon our commercial policy was, that foreign countries were to understand, whatever they might do to obstruct or injure us, that no reprisals on our part would be made. He complained, also, that there was a want of communication between the Board of Trade, and the ambassadors abroad. He had nothing to say against the right hon. Vice President of the Board of Trade, whose diligence in attending to his duties was remarkable, and the arrangements of whose office were most praiseworthy; but infinite evil arose from the circumstance, that all communications from the Board of Trade to ambassadors abroad had to pass through the soporific medium of the Foreign-office. Justice was not in consequence done to recommendations favourably accepted, and transmitted from the Board of Trade. He had no confidence in the noble Lord, dexterous as he might be in diplomatic intrigues, so far as the commercial interests of the country were concerned. Without detaining the House further, he would conclude by moving, "that an humble address be presented to his Majesty, praying, that he will be graciously pleased to lay before the House copies or extracts from the correspondence between the noble Secretary for Foreign Affairs, and the British authorities in Portugal, relative to a decree on the part of the Portuguese Government, by which certain commercial advantages heretofore enjoyed by Great Britain were withdrawn; and also for a copy of papers relating to a vexatious interference with British subjects in their legal commerce with Portugal."

Viscount *Palmerston* said, that he thought the House would agree with him that the course adopted by the hon. member for Worcester was a highly inconvenient one, and the reason the hon. Member had given for pursuing it was most unsatisfactory. The hon. Member said, that he had interposed this Motion between the House and the usual course of its business to-night, because his noble friend did not consent to fix any day next week at which he might have a more convenient opportunity of calling the attention of the House to this subject. That argument might just as well be used by any other Member of the House who wished to bring forward a Motion, and he had no doubt, that there were many present most anxious to bring particular subjects under the consideration of the House, but who were prevented from doing so in consequence of the great number of Motions already standing upon the books. If each of them were to adopt the course which the hon. member for Worcester had pursued this evening, (and they would have just as much reason for doing so), it would become impossible that the regular business of the House should proceed: He should be justified, therefore, if, instead of answering the speech which the hon. Member had made upon this occasion, he had sat still and allowed his noble friend to proceed with his statement upon the subject of the four per cents, or if in rising, he had addressed himself to that question, instead of speaking to the Motion with which the hon. Gentleman had concluded. But he should be sorry to be wanting in that civility to the hon. Gentleman, which he appeared to be so little disposed to exhibit towards others; and he, therefore, assured, the hon. Gentleman, that he was induced to answer his observations, not so much from a sense of public duty, as in courtesy to him. He must say, however, that the hon. Gentleman had exhibited a little waywardness upon the present occasion. He, first of all, found fault with his right hon. friend, the Secretary for the Colonies, for not looking sufficiently pleased, and then the hon. Member took him to task for looking too much in good humour; now, really, if the hon. Gentleman could be satisfied neither by the gravity of the one, nor by the gaiety of the other, he had better turn his eyes to Mr. Speaker, and take no notice of any other person in the House. He certainly wished, that the hon. Member had so far followed his example as to have spoken in a spirit of better temper. Perfect indifference, flippancy of manner, aristocratic contempt, and many other charges of a similar description, were hurled forth against him (Lord Palmerston) with great velocity and fervency, but those were modes of expression generally resorted to by Gentlemen when their argument failed, or when they were irritated at finding that there really was not quite so much in their case as they had imagined. The hon. Member, among other things, had accused him of indifference to the commerce of England amongst the rest, and this arguing as it did a want of common sense upon his part, was, he thought, rather a reflection upon the common sense of the hon. member for Worcester, since it was scarcely possible that a man destitute of common sense could have attained to the situation which he (Lord Palmerston) had the honour to fill. With regard to the question itself, the only charge against the Government was, that an important decree had been passed by the Portuguese Government, of which notice had not been given to the British Government. This, he admitted, was the fact. He did not stand there to defend the Ministers of Donna Maria more than he might the Ministers of Don Miguel. He thought that, upon this occasion, the Portuguese Government ought to have given due notice to the individuals concerned in commerce with that country when it was their intention to make an alteration in the commercial relations between Portugal and Great Britain. But there was nothing in the decree against which, upon the faith of treaties, Great Britain could reclaim, and he did not believe, that it would have the injurious effect which might be anticipated upon British commerce, and especially that branch, the Newfoundland fish-trade, with which the hon. Gentleman was connected. In Spain we had no peculiar advantage over France, America, or Norway, and yet our trade had still maintained its pre-eminence. [Mr. *Robinson* observed, that our trade with Spain had fallen one-half within the last twenty-years.] He was aware, that our general trade with Spain had fallen off, but he believed that our fish trade had not declined equally to our other trade, and certainly not equal to the fish trade of other nations. At all events it must be admitted, that the Portuguese Government, at all events, had a right to make the decree in question, and there was nothing in the treaty of 1810 which enabled us to reclaim against it. He repeated, however, that he considered they should have given this Government notice of the projected alteration. The hon. Member had attacked him (Lord Palmerston) for being, as he said, ignorant and incompetent: if the attack had been openly made against him as a political opponent of the hon. Member, he could have at once understood him. He did not, perhaps, pay the same minute attention to the matter as the hon. Member desired, because he had no fear, that British commerce would not be able to compete with that of any other country. The hon. Member had described this as another instance of the way in which this Government were imposed upon by the arts of the French Ambassador. He (Lord Palmerston) would venture to say, however, that the French Government had been taken quite as much by surprise at the announcement of this decree as had the English Government. The hon. Member was equally mistaken in his assertion, that the French Government were making no advances towards liberal commercial arrangements between the two countries. The hon. Gentleman must have heard of the Report made by the Chamber of Commerce to the French Government, in which they strenuously recommend many very liberal arrangements as to the duties imposed on mutual commerce. He had no objection to furnish the hon. Gentleman with a copy of the decree, and of the correspondence relating to it. As to the latter part of his Motion, he did not think the hon. Member (Mr. Robinson) had made out any Parliamentary grounds or shown any case of hardship on which his demand could be founded. Doubtless, there had been several cases in which British subjects had complained of the Portuguese Government; but, in all those cases in which it was thought that the complaints were just, our Minister at Lisbon had felt it his duty to make representations on the subject to the Portuguese Government, and in almost every instance in which such representations had been made, redress had been obtained, so that there was no ground for calling upon the House to accede to the latter part of the Amendment. If the hon. Member had thought proper to state what the case of Mr. Roberts really was—why our Minister at Lisbon did not support his claims, and why he (Lord Palmerston) had not been requested to interfere in his behalf, there might then be some ground for calling for the production of papers, but at present there was none. He must confess, that he was rather surprised at the matter of the hon. Member's speech, inasmuch as he had declared that it would compromise no political topic. If that speech was to be taken as the measure of the hon. Member's capacity to distinguish between commercial and political topics, he was not at all surprised that the hon. Member should think that he (Lord Palmerston) was, in the discharge of his duty, totally indifferent to the commercial interests of the country.

Mr. *Baring* said, that he thought the hon. member for Worcester was entitled to the thanks of the country for having brought this important subject under the notice of the House. When he found the noble Secretary for Foreign Affairs standing so much on a point of order, and so evidently anxious to get rid of the question, he immediately concluded, that his Lordship was unable to offer anything like a tolerable answer to the case of the hon. Member. When he found a person so well versed in Parliamentary tactics as the noble Lord occupy nearly a quarter of an hour in prefatory observations upon the manner in which the Motion had been brought forward, he was convinced in his own mind, that he must have a very lame answer with respect to the substantial merits of the Motion. His anticipation had been verified. He asked hon. Gentlemen what answer the noble Lord had given to the substance of the complaint of the hon. Member? The statement of the hon. member for Worcester amounted to this—that the Portuguese Government had, in the exercise, certainly, of an undoubted right, deprived this country of certain benefits which she heretofore enjoyed; but then he alleged, that this was the consequence of the course of policy pursued by the British Government. It really was too much, after the manner in which we had been coaxing the Government in Portugal, and after the interference of this country—for nobody except Gentlemen connected with the Administration, but was perfectly aware that the British Government had been working changes in Portugal—had been busy in overthrowing one brother and setting up another the character of each being equally estimable, and one quite as much, or rather as little, entitled to our favourable opinion as the other—it was, he must say, too bad, that Don Pedro should requite our kindness in the way he had done. There was not a man of common sense in Europe who did not perceive, that our Government, in connexion with its present alliance with France, had been busy in forcing a Government upon Portugal in opposition to the declared opinion of the people of that country—that the contest was between a whole nation on one side, and on the other, a band of adventurers of *condottieri* collected from different parts of Europe, to fight for hire. This was the sort of conflict which was carried on under the auspices of the British Government. Under these circumstances, was not the hon. member for Worcester entitled to say to Ministers, "Enjoy your predilections if you please,—hug Pedro to your bosoms, and make war upon Miguel, but tell the merchants of England, tell the English people, what we are to gain by all this." The fact was, that this most objectionable person, Don Miguel, had been some years in Portugal; that, during that time, he had it in his power, as the noble Lord had stated (in consequence of the improvident alteration in the wine-duties), to act in a manner offensive to this country, yet he not only abstained from doing so, but gave a preference to our commerce, and favoured us in every possible way; whilst the very morning of the day when it was announced that a quadruple alliance had been formed for the purpose of forcing a Government on the Portuguese nation brought the intelligence that our good friend Don Pedro had issued the injurious decree in question. Without wishing to say anything offensive to the noble Lord's feelings, he must declare, that his Lordship seemed to have prosecuted his views of foreign policy with an utter forgetfulness of the commercial interests of this country, which, after all, it most behoved the Government to consider. For his part, he cared not a straw which of the two Dons reigned in Portugal; but if one of them were disposed to act favourably to the commerce of this country, and the other were not, he would say, let us have the former. The noble Lord admitted, that the decree was unfavourable to our commerce; but he said, that Don Pedro had a right to issue it. Certainly no one could deny, after the imprudent alteration which had been made with respect to the wine-duties by our Government, that the Portuguese Government had the power to promulgate such a decree. It was admitted, not only that the decree had been issued, but that it had been published in the most unfriendly manner; it came upon the noble Lord at his office, on the very day when it was announced to the world, that the Government of this country was determined to put an end to the contest in Portugal, by forcing Don Pedro upon an unwilling people. The noble Lord had confessed the whole of this case, and therefore he was not surprised, that in his attempt to answer the hon. member for Worcester, the noble Lord should endeavour to amuse the House by observations upon every thing except the point at issue. He thought the charge which had been made against the noble Lord, namely,—that throughout the whole course of his diplomatic relations, he had neglected the commercial and industrious interests of the country, was well founded. If the noble

Lord was not to blame in this respect, he certainly was one of the most unfortunate Ministers who ever held office. The House had been made acquainted to-night with the result of the noble Lord's diplomacy in Portugal; and it was well known that whilst his Lordship had been busy intriguing in the affairs of Belgium, Prussia had been as diligently occupied in negociating for the exclusion of our manufactures from Germany. He had been informed by persons who were incapable of deceiving him, and who had been in different parts of the continent, that no effort had been made by our Government to avert what he maintained would in a short time be felt to be one of the severest blows ever inflicted upon our commerce. If the noble Lord had condescended to take the slightest interest in this subject, and had interfered with the free towns and small principalities, nothing could have been more easy than to avert this blow. He considered the treaties which had been formed in Germany as a more decided blot upon the administration of foreign affairs than even the Portuguese transaction. The cases he had mentioned, however, were not the only instances in which the noble Lord had exhibited a disregard of the industrious and commercial interests of this country. Last year he had occasion to make a representation to the noble Lord on the conduct pursued by the French fishermen, which tended to drive our own fishermen entirely out of the Channel. The noble Lord caused an investigation to be made on the subject; but nothing had resulted from it. The noble Lord accepted the denial of the French authorities, but afforded the persons aggrieved no opportunity of substantiating their case. If the French Government denied the facts which were alleged, why did not the noble Lord call before him the persons who could refute that denial? He was informed, and he believed correctly, that a few days ago, there were no fewer than thirteen English fishing vessels seized and carried into French ports, because they had happened to run during a fog, or been drifted in a calm, into what were called the French bounds. This, too, happened at a time when the French vessels were taking fish almost in our very harbours. —[Lord *Palmerston:* The facts are denied.]—He took it for granted, that the French government would deny every word of the statement. All he could say was, that he believed the fact to be as he stated. The crews of the fishing boats were kept for months together in France, and then sent home in a state of destitution. The right hon. first Lord of the Admiralty knew well, that the result of the want of protection which our fishermen had experienced, had been to give the French and Dutch fishermen, but particularly the former, almost a monopoly of fishing in the Channel. This branch of the national industry was absolutely perishing for want of protection. If the noble Lord were to wait until the French Government ceased to deny the charge before he interfered, the poor fishermen would be long enough without redress. Taking all circumstances together, to whatever point of the compass he turned and looked at the conduct of the British Government in its foreign relations, he perceived striking evidence of that indifference to the commercial and industrious interests of this country which had been charged upon the noble Lord; and in conclusion, he would observe, that so far from regretting the Motion had been brought forward, he thought that Gentlemen connected with the commercial interests were obnoxious to reproach for not having forced the subject on the attention of the Government at an earlier period.

Mr. *Poulett Thomson* expressed his regret, that the Motion had been brought before the House in so inconvenient a manner, that it was impossible to enter upon the subject to which it referred so fully as the importance of that subject would justify. For his part, he should be glad to have the conduct of the Government with regard to our commercial policy brought under discussion, in order that he might have an opportunity of meeting the charges which had been unjustly brought against it. On the present occasion, however, he would confine himself to the subject of our commercial relations with Portugal. The charge of the hon. member for Worcester had been reduced to almost nothing, even upon his own showing, and the Motion could produce no result except, perhaps, the expression of the opinion of the House on one single point—namely, the conduct of the Portuguese Government in issuing the decree which had been referred to without giving the Government of this country previous notice. The hon. Member could not do otherwise than admit the right of the Portuguese Government; but contended, that it had exercised it in an improper manner. His noble friend allowed, that it was an impropriety in the Portuguese Government to issue the decree without notice; but, as regarded the practical consequences of the decree, they were just the same as if notice had been given. The Portuguese Government determined to place its Custom-house regulations on a different footing, by equalizing the duties levied upon the goods of all nations, and had a perfect right so to do; and, therefore, we had no power to remonstrate. The hon. member for Essex said, that this step never would have been taken by the Portuguese Government if the Government had not neglected to follow his advice years ago, upon the subject of the wine-duties. That had nothing whatever to do with the case; and he was surprised that the hon. Member was not better acquainted with the subject, than to suppose that Portugal obtained the power to issue the decree complained of in consequence of our abandoning the article in the Methuen treaty—the treaty of 1810. All that the Methuen treaty said was, that in the event of our departing from it, the Portuguese might prohibit our woollens. The treaty of 1810 was for the general purposes of trade, and involved this condition, that the merchandise of this country should never be taxed more than fifteen per cent; but it said not a word about the necessity of taxing the produce of other countries to a larger amount. At the expiration of that Treaty, which was to last for fifteen years, it was really in the power of the Portuguese Government, on giving a certain notice, to cancel its obligations. Accordingly, M. de Carvalho, in his statement of the reasons on which the decree was founded, made not the slightest reference to the equalization of the wine-duties or the Methuen Treaty. He was obliged to admit, that the manner in which the Portuguese Government had issued the decree, intimated unfriendliness to our commerce. He certainly regretted the circumstance; but, at the same time, he was bound to say, that the Government had been taught it in this country, and had only acted on the principles upon which this country had been acting for years and years. In our transactions with foreign countries, we conferred no peculiar favours upon them, and we asked for none from them; and it was precisely upon this principle, that the Portuguese Government had acted. We had no right to complain of them for acting in the same manner in which we had for years been acting ourselves. Those who preceded the present Ministers in office acted on this principle in 1821, 1825, and every succeeding year, at least as far as he had been able to find traces of their sentiments. The hon. member for Essex stated, that the commercial interests of this country had been more neglected by this Government than any other, and adduced particular instances in support of his general charge. A compliment had been paid to him, indeed, in the course of the discussion; but he was not disposed to accept it at the expense of his noble friend, the Secretary for Foreign Affairs. He knew, that his noble friend had exerted himself unremittingly to carry into effect the objects which the Government had in view. The hon. member for Essex, had adverted to the Prussian system, and said, that it had grown up in consequence of the neglect of the British Government. Would the hon. Member say, that any and what representations had been made when that system first began to germinate? The present Government had followed up representations where they had been previously made, and he could assure the hon. Member, that those made by the present Ministers, were more urgent than any which had been made before they entered office. That all the efforts of the Prussian Government had been turned to perfecting that system, no man acquainted with the Continent could doubt; but as far as England was concerned, equal efforts had been made to check that system. The hon. Member must have been grossly misinformed when he said, that we might have made arrangements with the different German States, but thought it beneath us; for we did conclude a treaty with Frankfort with the very object of checking the system; and although it had not had any material effect, it showed that our efforts, at least, had not been wanting. If they had proved ineffectual, it was because those efforts were not begun at an earlier date; because the commercial system of this country did not hold out to Prussia in 1817, in 1821, and in 1822, the advantages which Prussia had a right to expect. The hon. member for Essex had likewise touched upon the subject of the fisheries in the Channel. He begged to ask the hon. Member, whether he had examined that subject attentively, and made himself acquainted with the difficulties by which it was environed? The fact was, that the subject was mixed up with some most intricate questions, the solution of which was extremely difficult. As soon as his noble friend was put in possession of the complaints of our fishermen, a representation was made from the board at which he had the honour to sit, requesting that some means might be employed to bring the question to an amicable settlement, by the only means by which a question involving the rights of nations could be amicably settled. His noble friend lost no time in entering into arrangements with the French government. Then, again, it was said, that we had sacrificed our trade with Portugal for the sake of France; and it was asked, why should that be done, when France was so unwilling to do any thing for us? We had not sacrificed our trade for France, neither was France unwilling to enter into commercial treaties with us. The French government had manifested a strong disposition to introduce into their country the commercial principles which regulated this. Already a report had been laid upon the table of the French Chamber, which not only recommended the removal of the prohibition with respect to several important articles produced in England, but also that the King should have power to effect that object by ordinance whilst the Chamber was not sitting, in order that no time might be lost in removing prohibitions. It had been stated, that we had obtained no concessions from France; but this was at variance with the fact, as he would prove. It would be recollected, that the principal complaint of our silk manufacturers had been, that they could not compete with France, because she maintained a monopoly of the raw article, and would not allow it to be exported. Last year, however, the French government was prevailed upon to permit the exportation of raw silk, and, in the report lately presented to the French Chamber, the duties on iron, cotton, twist, and other important articles were recommended to be changed. From the present state of public feeling in France, he was satisfied, that if the government of that country should hesitate to pursue the course which had been recommended by the report, they would ere long be compelled to do so by the voice of the people. He would not trouble the House further upon this occasion, but if another opportunity should be taken for bringing forward charges against the commercial policy of the Government, he would be prepared to meet them to the best of his ability, and he was confident, that he should succeed in proving that it was not deserving of the censure which had been cast upon it by the hon. members for Essex and Worcester.

Mr. *George Young* was astounded by the argument which had been used by the noble Lord (Palmerston). The noble Lord appeared to contend that, inasmuch as British commerce maintained a superiority over other nations, it was a matter of perfect indifference to us, whether we lost or preserved the advantages that we possessed. This might be a very convenient argument for the noble Lord, but the people of this country—the merchants, manufacturers, and shopkeepers—he would find, would repudiate it as equally adverse to their interests, and as incorrect logic. The argument of his hon. friend who brought forward this Motion, seemed to have been mistaken by the noble Lord. It was not —if he (Mr. Young) understood it right— that there had been an infraction of any treaty, but that the Government of this country had pursued an impolitic course in reducing the duties on French wines, which had induced Portugal to enforce the restrictions of which we complained. The obligations of the treaty that had been entered into between this country and Portugal ceased to be binding after 1825, when it became open to either party to take the course that each might consider most beneficial. Acting on this principle, England, in 1830, withdrew from Portugal the advantages the Treaty had secured to her; and Portugal had, as regarded us, followed our example. He recollected that his hon. friend, the member for Essex (Mr. Baring) stated, almost prophetically, on the debates which took place at the time of the proposed alteration in the wine-duties, that he did not expect the proposed change would provoke a retaliation on the part of Portugal at that time, but he had apprehensions as to the consequences, in case the liberal party ever obtained the ascendancy in Portugal. The noble Lord replied, that he admitted it was possible Portugal might impose the restrictions anticipated, but he did not think she would do so. The right hon. Gentleman, the Vice-President of the Board of Trade also stated, that, in his opinion, no such course would be followed. The predictions of his hon. friend had been verified to the very letter, and, of course, the counter-expectations of the noble Lord and of the right hon. Gentleman had been falsified. If Portugal withdrew certain advantages from this country, they ought not to forget that the advantages she possessed under the Treaty were concessions to her at that time.

Mr. *Warre* wished the right hon. Gentleman, the Vice-President of the Board of Trade, had been more explicit as regarded the fisheries. He had said, it was a question of international law. He was aware of the circumstances of the case, and he would observe, that he could not see any good reason why, or on what grounds of justice between two nations at peace, the French boats should be allowed to come to our shores and cast their nets where they pleased, and our fishermen should be interfered with if they cast their nets off the French shores. Much conflicting testimony was delivered before the Committee last year, and, taking the whole of the evidence, it certainly was not easy to make out the case between the two parties. Amongst the other difficulties, there was the difficulty of determining from what points the distance should be measured — whether from beach to beach, or from headland to headland. The case was well worth consideration; and if a case of aggression were made out, the proper representations ought to be forwarded.

Dr. *Lushington* said, that, under the Treaty of 1815, the French government set up a claim to the exclusive right of fishing on their coast. In 1817, the Government conceded to them the exclusive right to fish within one league. In consequence of representations made in 1821 to the then Government, the distance was extended, in 1822, to six miles from the coast. The result was, that our fishermen, who had been accustomed to fish nearer the coast where oysters were in great abundance, thought they were treated unjustly in being deprived of the right they had enjoyed, and they did not observe the line, but, when they thought they were not watched, passed beyond it. The French Government, jealous of the encroachment, and desirous of enforcing the regulation, omitted no opportunity of seizing vessels within the prescribed distance, whatever the cause of their being there, even though they were driven there by the wind, or drifted there by the tide. Such, then, was the state of the question. He had never said a word to the noble Lord on the subject; his information did not come from the Government. He had seen the papers, and he could say, that it was a complicated and very difficult question, involving the right of France to the exclusive fishery of that line of coast. He wished to guard himself particularly against giving any opinion as to the matter in issue; but he knew, that an application had been made to the noble Lord on the subject, and he had reason also to know, that it had met with very great attention from him. In his judgment, this was an affair that never could be settled on strict legal principles, but must be the subject of negotiation.

Colonel *Evans* said, that our severe Custom-laws, under which large boats were seized by our cruisers, occasioned our fishermen to use smaller boats than were used by the French fishermen, their Custom-laws being more indulgent. Our fishermen ought to be enabled to have larger boats, that they might meet the French fishermen on an equality. There was another point to which he wished to advert. He recollected the opprobrious epithets which the late Government had bestowed on Don Miguel. Whatever might be said of Don Pedro, it would be admitted, he believed, that the present Regent of Portugal was not to be put on a level with the usurper. He must object, however, to the terms in which the hon. member for Essex, and others, spoke of the British officers in the service of the contending parties in Portugal. Was not Sir J. Campbell, for instance, on exactly the same footing as the officers on the other side? These individuals were but following their profession for want of military employment in the service of their own country.

The Motion was withdrawn, and the House went into Committee on the

FOUR PER CENT ANNUITIES.] Lord *Althorp* said, he should not have to address the House at any great length in proposing the Resolutions which it was his duty to bring before them. The amount of the Four per Cent Annuities did not exceed 11,600,000*l.*, and, in proposing their reduction, he might say, that the operation could be effected much easier, and the Government would be less inconvenienced in making the arrangement than on former occasions. This being the case, he should not consider himself justified in offering any great bonus to induce the holders of the stock to accept his terms. In point of fact, he meant to offer no bonus at all. There would, however, be some advantages derived from placing the amount in question in a larger fund: it would be more negociable and more valuable on that account; another advantage, which he admitted would not be very considerable, was, that by transferring the amount to the Three-and-a-half per Cents, it could not be paid off till the year 1840. The saving to the public that would result from this arrangement would be more than 53,000*l.* a-year. His offer was this—to holders of Four per Cents, for every 100*l.* of Four per Cents, 100*l.* of what were called New Three-and-a-half per Cents; the New Three-and-a-half per Cents to be added to and consolidated with the existing New Three-and-a-half per Cents, and not to be liable to redemption till the 5th January, 1840; the holders of Four per Cents to receive the half-year's dividend on the 10th of October next, and the first payment on the Three-and-a-half per Cents in January next. He thought it impossible to make a better offer than this. His Lordship moved the following Resolutions:

"That all holders of Four per Cents, commonly called Four per Cent Annuities, 1826, who shall not signify their dissent, shall have for every 100*l.* of the said Four per Cents. 100*l.* of New Three-and-a-half per Cent Annuities, the dividend upon which shall be payable 5th January and 5th July in each year.

"The said New Three-and-a-half per Cent Annuities shall be added to, and consolidated with, the existing New Three-and-a-Half per Cent Annuities, and shall not be liable to redemption until 5th January, 1840.

"The holders of Four per Cent Annuities, 1826, to receive the half-year's dividend, which will be due thereon on the 10th of October, 1834; and the first dividend—namely, one quarter of a year's dividend, to be payable upon the said New Three-and-a-half per Cent Annuities, on the 5th of January, 1835.

"Books will be opened at the Bank of England on Thursday, 8th May, to Wednesday, 28th May, both days inclusive, for receiving notices, by themselves or their agents, of those persons who may be desirous of dissenting.

"Persons who shall be out of the United Kingdom during the whole of such period, shall, in such case, be permitted to express their dissent at any time before the 6th July, 1834; and any person who may be in any other part of the world except Europe, to be permitted to express such dissent at any time before the 1st of March, 1835.

"Persons not signifying their dissent within the periods before mentioned will be deemed to have assented. Persons signifying their dissent within these periods will be paid off in such order, at such time, and in such manner, as Parliament may direct."

Mr. *Baring* did not rise to oppose the proposition, which he thought was perfectly fair and equitable; but he wished to ask one or two questions of the noble Lord. In the first place, he desired to know whether it was the intention of the noble Lord in the course of the present year to enter into any negotiation respecting the loan for the advance to the West-India planters? He took it for granted that no such intention existed, inasmuch as such a course would hardly be fair to the new holders of this stock. He also would beg the noble Lord to state what measures his Majesty's Government had taken to stop what were considered unfavourable conversions of Three per Cents into Life Annuities.

Lord *Althorp* was understood to say, that it was not the intention of Government to propose a negotiation for a loan for the West-India planters. It would certainly be necessary to make an arrangement with the Bank to pay 3,500,000*l.* due to it in August. As regarded the other question, it was true, that it had been supposed (it was not proved), that in granting life annuities on ages above eighty, the parties who got the annuities gained an advantage. As far as the experiment had gone, and had been proved, the country had rather, if any thing, been gainer; but this had been on lives not so old. As far as he could judge, he should say, that if the lives were selected in the usual manner, the older lives as well as the younger, the bargain would be a very fair one for the public. He was informed, that, in some cases, parties who wanted to convert their stock into Life Annuities, examined the church-yards of the different parishes, to find out those families, the members of which had died at the greatest age, and they then selected some living member of such families. There was no proof, however, that these lives were longer than others. The first step which he took, on being informed of the effect as regarded the older lives, was, to order that in no more instances should annuities be granted on lives above sixty-five years of age, unless the party seeking the annuity were himself older.

Mr. *Baring* said, that the differences between the picked lives and the ordinary lives, gave a result that was astonishing. He did not see why the same experiment should not be made with lives of sixty-five as had been made with lives of eighty.

The Resolutions were agreed to, the House resumed, and the Report was brought up.

AMENDMENT OF THE POOR LAWS (ENGLAND).] Lord Althorp moved the Order of the Day for the second reading of the Poor-laws Amendment Bill.

Colonel *Evans* complained, that the proposed measure would effect a total alteration in the Constitution. He had not attempted to wade through the whole of the Reports on the subject, but he had read so much of them as referred to the abuses which were stated to exist, and the modes of redress proposed. The first of these evils was the system of out-of-door relief, and it was said to be principally produced by magisterial interference. He had no objection to any measure which might be resorted to for the purpose of counteracting these evils, but in his opinion they were such as might have long since been rectified by the landed proprietors and the magistracy; and by means less objectionable than those now proposed. The next defects of the present system were said to spring from the Laws of Settlement and Bastardy, and the irresponsibility of Select Vestries? He found in the reports no other causes assigned for the extent of the demoralization and misery which existed. He would ask, whether these might not be referred, at least in some degree, to other causes, whether they might not partly arise from the unfair manner in which the poor were treated as regarded taxation on the articles of general consumption? whether the monopoly created by the Corn-law had not a considerable share in producing these results? and whether some portion of the evil might not be attributed to the neglect of the moral education of the poor, on the part of the upper classes. He was surprised to find no allusion to these points in the voluminous reports submitted to the House. On the part of his constituents he could state, that they were all Whig, Tory, and Radical—opposed to the measure. He had also been present at two or three public meetings, numerously attended, at which the opinion was unanimous against the Bill, but more particularly against that part of it which proposed a Central Board. This proposition was most objectionable, and indeed he doubted whether it was in the power of that House to give to the Central Board such authority as the Bill proposed to vest in them—an authority which empowered them to repeal all the existing laws on this subject—an irresponsible power for the abuse of which they were unimpeachable before any of the ordinary tribunals of the land. Not only did the House by this measure propose to delegate to three Commissioners its own power, but the power and authority of the three estates of the realm. These commissioners were authorised not only to legislate, but also to levy taxes; and who composed the Commission, which recommended investing another commission with such extraordinary powers?—Two Bishops, two political economists, and two barristers. And was such authority as this sufficient for the correction of the gross abuses which were stated to exist? With regard to what was proposed in relation to out-of-door relief, he must object to the shortness of the time allowed for putting an end to it. It was proposed that it should cease in 1835. ["*No, no.*"] Well, it was proposed that it should cease in a very short time. He protested against the too sudden cessation of out-door relief, as he was certain it would lead to a revolution in the country. The proposed plan was subversive of the very principles of the Constitution. It was a measure which he did not expect to be brought forward by the present Government, who, for the sake of the patronage it conferred, proposed by this Bill to create a new power in the State. For these reasons he would move the following Resolution as an Amendment on the Motion of the noble Lord:—"That the existing abuses in the administration of the Poor-laws require a strong and compulsory legislative enactment for their correction; but that any measure, with that ostensible view, which shall in its tendency be utterly subversive of the representative principle of local government, which shall tend to withdraw all power from rate-payers over the expenditure of their own funds, or which shall materially increase the influence and power of the Crown, and of the Administration for the time being, ought not, in the opinion of this House to be adopted, unless some extreme and paramount necessity be made out, which cannot be surmounted by any means less objectionable, and less opposed to the free spirit of the ancient constitution of these realms."

Lord *Althorp* said, he should have no objection to discuss the topics included in the Resolution of the hon. and gallant Colonel the member for Westminster, when the proper time for such discussions came; but there was one point in the Motion upon which he would content himself with a single observation. The Resolution spoke of the increased influence which would be added to the Crown and Administration for the time being. He (Lord Althorp) would only ask whether it was possible that his Majesty's Ministers would propose the measure now before the House with a view to any patronage which it might be the means of conferring on them? If there were any who thought so, he could only say, that they had a very strange notion indeed of the policy or sense of the Ministry.

Amendment withdrawn, and the question put that the Bill be now read a second time.

Sir *Samuel Whalley* felt considerable pain in addressing the House, because he knew, that this was a dry question to enter upon, and therefore he would occupy as short a time as possible in offering a few remarks. He felt sincerely the evil which was likely to be inflicted upon the country by this Bill; for, looking to the machinery of the measure, he thought that, instead of correcting the evils of which the community complained, it would increase them. It would be prejudicial to property, and demoralizing to the labouring classes. With respect to the principle on which the Poor-laws were founded, he had always held, that they were based on injustice, and that there was here a golden opportunity for the Government to remove the evil. Unless they did this the Poor-laws would continue a national curse instead of a national blessing. This measure went to violate the very principle on which a just Government was founded—namely, that every man had a right to the produce of his own industry. It had ever been held, that every man had a right to be supported thus far, that if he was not able to work or to get work, he must then be supported by the industry of others; but if they abused this principle, they only opened the door to profligacy, and he begged the House not to be instrumental in forcing a plan which must only tend to increase the evils which now existed. The hon. Gentleman then made some observations on the law of settlement to which he (Sir Samuel Whalley) objected, but thought the system might be modified, as he wished that every remnant of the feudal system should be swept away. On this ground alone, however, he should not feel himself at liberty to divide the House upon the second reading of the Bill. But another alteration to which he must refer was that respecting bastardy. He thought the Bill went to inflict a curse upon the people of the country, while he readily acknowledged it was a difficult and a delicate subject to provide for. In these instances criminality now attached to both sexes; but the new laws were to exonerate the male sex and to allow all the misery to be thrown on the unfortunate female who might be the mother of an illegitimate offspring; she had all the disgrace to encounter, nor had she this only to bear, she had also the pains of parturition to suffer. [*Laughter.*] Hon. Gentlemen might laugh, but he would not let false notions of delicacy prevent him from offering his opinion. This Bill went to offer a premium for immorality, and to encourage the crime of infanticide. With respect to the allowance system he agreed with the suggestion of the Government that it should cease, and the objection which he entertained to this part of the measure was the limited period at which it was determined it should stop. He thought the period of twelve months too short to carry this alteration into effect; and he had indeed so many objections to other parts of the Bill, that he felt he could not conscientiously allow it to go to a second reading. He believed that the exercise of the powers given to the Central Board would be destructive of property, and subversive of constitutional liberty. He was, therefore, anxious to divide the House upon the measure, that their constituents might thereby know with whom the fault of supporting it rested. It had, on former occasions, been held by the noble Lord, that all who paid taxes had a right to have a control over the administration of their money; but they were about to reverse the principle, and to say that the rate-payers were the last persons to be trusted with the administration of the taxes raised and paid by them. Look to the powers given to the Commissioners; was it to be supposed, that they were to say how much flannel was required for an old woman? Surely the quantity must depend on the length and breadth of the old woman. Leave, then, to the rate-payers the management of their own funds, leave with them the complete control, and he believed, that all the evils would disappear, arising as they did, from the erroneous principle upon which the Poor-laws were founded. At present, the mischiefs of the Poor-laws arose from the want of a sufficient control on the part of the rate-payers over their funds. Vestries were now self-elected, open, and representative. With regard to the first-named, he presumed, that no man would, in these days, advocate such a system; the second might, perhaps, be considered in many cases, as tending to promote or induce clamorous assemblies; but, in the latter case, that of a representative vestry; what was the fact? A man elected by his brother parishioners always felt, that he had an honour conferred upon him, and he always endeavoured to act up to the confidence which was placed in him; and he found, that wherever this latter mode of appointing vestries prevailed, the evils of the Poor-laws did not exist. In speaking of representative vestries, he trusted, the House would excuse him, if he spoke of the parish to which he belonged, that of St. Marylebone—a little kingdom—ay, a little kingdom. He used that expression advisedly, because it was almost equal to Hanover in many respects —it boasted of a larger revenue than Hanover. And before the system of representative vestry was established in that parish, the expenditure was 180,000*l.* annually; whereas it was now reduced to 50,000*l.*, and a corresponding reduction had taken place in every case where this system had been enforced; and yet, these Commissioners were either ignorant of the matter, or suppressed the fact, in the Report laid before the House. The three Commissioners had the power to say, that the Acts of the three Estates of the realm should be null, for they had the power to overthrow the Act by which the majority of rate-payers had the right of decision. In the 35th section of the Bill proposed to be read a second time, a power was given to repeal Acts of Parliament by the lump. Now, with all the respect which he entertained for the House, he doubted whether it had the right to grant such powers. He doubted whether, in the event of a piece of paper, like that which he held in his hand, being laid before a Judge, the Judges would say the Commissioners could repeal Statutes under its authority. The conviction in his mind was, that they would say the Commissioners could not, and that conviction would be his only solace if such a nefarious Act, as that now proposed, should be ever passed. The Commissioners were called upon to assign no reason beyond their goodwill and pleasure. He would advise them to seal such a document with a triple crown, as emblematic of their trinitarian character; and if there should be in the House any embryo Commissioners present, he would advise them to adopt as their motto, "*Sic volo, sic jubeo, stet pro ratione voluntas.*" Now there was no principle so erroneous as that of a plurality of votes; because, instead of reducing expenditure, it had a contrary effect. A poor man who paid his 5*s.* only, had, perhaps, a greater interest in the reduction of parochial expenditure than the rich man who paid his 5*l.* The power to be vested in the Commissioners would allow them to put their hands into the pockets of the rate-payers, so that they might order the enlargement of workhouses to the extent of one-tenth—they might order the expenditure of 800,000*l.* They also had the power to call before them all persons connected in any way with the Poor-laws; and if these persons should not answer to their satisfaction, they had the power of committing them to any of his Majesty's gaols. But the Commissioners were protected by all sorts of indemnity. They even had the power to disobey the laws, and to punish the infringement of the laws which they themselves made. He would say, that the power thus given to these Bashaws—to these three-tailed Bashaws, was subversive of all constitutional principle. One of the evils which were complained of, in respect to the Poor-laws, was, the interference of the Magistrates. The hon. Gentleman here referred to the case of a parish (as we understood, of Cranbourne), in which there had been a Magistrate who was continually interfering in matters relating to the management of the poor, by which great inconvenience arose. This gentleman died, and was succeeded by another gentleman, who followed a very different course; he introduced a new system, and the evil was abated; and yet they were going, under the provisions of this Bill, to renew the same system of petty interference. The Commissioners had complained, not of the Magistrates themselves, but of the jurisdiction vested in them,—an objection which would apply to all other tribunals endowed with the same powers. One thing which was complained of was, the scale system,—and yet these Commissioners were to regulate the quantity of food for each pauper. The next thing aimed at by this Bill was, the simplification of accounts. Now, the discretionary powers given to these Commissioners were, he found, so numerous, that he found the words, "as they shall think proper," occur thirty-six times in the course of the Report. He doubted, too, the expediency of calling or collecting together a large body of paupers to be paid. He believed, that looking to this measure generally, there were many suggestions of the Commissioners which were practicable, and which would do away with certain evils. But, he would state his deliberate opinion, that if this Bill were allowed to go over to another Session, more good would follow, than by hurrying it on at the present moment. He would give to the Secretary of State the power to send round a circular to every parish, relating to the allowance system, accounts, &c., requiring information; and he was sure, that in this case, much abuse would be prevented. He thought, that this Bill unfortunately went to affirm more strongly than ever the feeling of the poor that they had an inherent right to the poor-rates. He did not know, indeed, why they had not the decency to refrain from giving a verdict before they had the evidence laid before them, because the country did not as yet understand the Bill. Meetings had been held in almost all the metropolitan parishes against the measure, and they had that day received a petition from the Corporation of London, which had been agreed to by the Common Council, with only two dissentient voices. He believed, that one of the effects of this measure would be, that men of character would abstain from filling parochial offices, while those who undertook them must consent to be the degraded tools of the Commissioners. He implored the House to put off this question till next Session, and again repeated his belief, that the Report which had been made would work good. Having returned thanks to the House for the attention which they had paid to his remarks, the hon. Gentleman moved, that the Bill be read a second time this day six months.

Mr. *Grote* addressed the House as follows: I rise, Sir, to express my hope that the House will read this Bill a second time, and suffer it to go into Committee. Approving as I do, of almost all its main ends—approving as I do also, to a great degree, and for the most part, of the new machinery by which those ends are proposed to be accomplished, and, convinced, as I am fully, that some new machinery is absolutely and indispensably requisite, I hope the House will not refuse to examine this Bill in Committee. This is a subject on which I feel a strong and anxious interest, and had I been left to my own unaided judgment and knowledge of the case, I should still have entertained a strong persuasion that some measure of this kind was indispensably requisite. But I feel the more confirmed in my opinion on this occasion, because this measure has been preceded by a careful and copious inquiry, the details of which are before the public. That inquiry I have consulted with great pains and care. The hon. Gentleman who preceded me states, that he does not believe, that any one has read the one-hundredth part of the evidence and reasonings published by the Commissioners. This is at least a proof of their diligence. But I may state, that I have perused with deliberate attention, not only the general Report of the Commissioners, but their Appendix A, which contains the Reports of the Assistant-Commissioners; and I must say, that the details of abuse, as they are set forth in those Reports, appalling as they are in their character, wide-spread throughout most parts of England, afflicting and ruinous to the rate-payer, and hurtful and demoralizing to the last degree to the labouring classes—I must say, that those details demonstrate in the fullest manner, the necessity for a large and comprehensive remedy, such as the present measure professes to be, and approaches to. I shall not weary the House by reading details from that Report, which would attest the magnitude of the abuse; but there is one fact capable of being shortly and plainly stated, which will convey to them some conception of the extent of the existing abuse. The House is aware, that the real and genuine object of the Poor-laws, is to furnish comfortable shelter for the aged and infirm, and to provide work for able-bodied persons who cannot procure employment. Now, the aggregate expenditure on the Poor-laws for the year ending March, 1832, was 7,036,000*l.* What proportion of this sum does the House imagine to have been employed in setting labourers to work for the parish? The total amount so employed was no more than 354,000*l.*, less than one-twentieth of the whole. So much for the extent of abuse as regards the expenditure! But this vast and abusive expenditure, ruinous as it is to those who pay it, and weighing them down to the ground, in addition to so many other burthens, is, in my mind, as dust in the balance; it is as nothing, compared with the evil effect of the Poor-laws as now administered, on the character and comfort of the labouring classes. The sobriety the industry, and the independence of the labouring classes, are the first of blessings to a country, and the dearest of all objects to every virtuous citizen. Now, every page of the Reports of the Assistant Commissioners teems with evidence, that the Poor-laws throughout most parts of England are so administered as to corrupt and degrade the labourers to the last degree; to afford a premium on idleness and improvidence; and to place in the worst and most destitute condition the most deserving characters—those labourers who work the hardest, and who defer the period of marriage from an anxious desire to maintain their independence. Men of this last character are repudiated and driven from employment, and reduced to the lowest pittance. How can the morality of the labourers resist such mischievous dealing as this? If it be suffered to continue, what is there to prevent them from being all gradually debased and demoralized by the withering influence of pauperism? When I read such a catalogue of evils as this, I ask myself whether it be possible to escape from them without some large and comprehensive alteration of the defective system under which they have grown up? It seems to me totally and absolutely impossible; and therefore it is, that I call upon the House to read this Bill a second time, in order that its provisions and details may be carefully considered in Committee. It makes a great and grave change in our Poor-law Administration—it creates new authorities and new powers; but, in my opinion, not at all earlier than such a change was called for. There are some of the powers conferred by this Bill to which I myself object, and others for which I as yet see no sufficient reason. I see strong objections to the power granted of committing for contempt of Board, and to the sweeping powers granted for summoning witnesses. I object, likewise, to the power granted of uniting parishes contrary to the declared sense of the inhabitants. But all these objections are, in my view, fit subjects for consideration in Committee, and there only. I am quite aware that much jealousy has been expressed on the subject of the great and novel powers proposed to be vested in the Commissioners. I cannot wonder that it should be so; for it is perfectly natural that apprehensions should be entertained when any new and comprehensive authority, not sanctioned by previous habit, is proposed to be created. But the real question for the House to consider is—not whether the powers of the Commissioners are great, but whether they are greater than the urgency of the case requires. This is the real question for the House to determine. First, are not the objects proposed to be carried into effect by this Bill not merely wise and salutary, but of imperious necessity and overwhelming importance? Secondly, if these ends are good and necessary, can they be accomplished without the species and extent of authority, and the new and peculiar agency which this Bill confers? Perhaps it may be shown in Committee, that some of the portions of authority which the Bill confers are not essential to the objects aimed at, and therefore may be safely withheld. This will be matter for grave deliberation in each particular clause wherein the separate powers are enumerated. But I would earnestly entreat the House to keep in mind that general declamations on the despotic power of the Commissioners really avail little towards the merits of this question; that they serve at best only to disturb the calmness and sobriety of mind which its vast and momentous character calls for; and that, to expect the extirpation of an inveterate abuse, while we leave without correction or redress the defective administration from whence it has sprung, is no less chimerical than it would be to expect grapes from thorns, or figs from thistles. But though I am far from denying that the powers of the Commissioners are very large, such as nothing but urgent necessity can justify, yet I am bound to say, that I think they have been supposed to be much greater than the Bill really sanctions. For instance, it has been sometimes argued, as if all parochial vestries and authorities were to be altogether abrogated by this Bill. This is not at all the case. The parochial vestry still subsists; it still levies all the monies collected in the parish; it still issues all the disbursements, subject in certain definite points, to the current authority or superintending control of the Commissioners. But above all, it exists as a local point of appeal and protection against any misuse of authority by the Commissioners. If the Commissioners make any regulations which annoy or oppress the parish, still more if any exercise of their authority should fall hardly or cruelly upon individuals, the vestry will serve as a rallying point for all well-grounded discontent. Entertaining a strong and decided opinion upon this subject, I have done my best to persuade the House to read this Bill a second time. I know that I have done this at no small risk of favour and popularity to myself; for I understand that a petition was this day presented from my own constituents, directed strongly against the passing of this Bill. Sir, it is not without the deepest regret and concern, that I find myself opposed to constituents to whom I am attached by every tie, and to whom I owe the honourable station which I now occupy. But so strong is my conviction of the absolute necessity of some large remedial measure as an antidote to the overwhelming evil of pauperism—so firm is my belief of the necessity of some central supervising agency to secure the fulfilment of any salutary provisions which the Legislature may prescribe—so strong is my conviction on these cardinal points, that if it were to cost me the certain sacrifice of my seat, I should feel bound to tell my constituents that I dissented from them, and that I would do my best to promote the attainment of this necessary and, in the main, valuable remedy. In doing so, I should feel with pain, that I had decided contrary to the opinion of my constituents; but I should also feel, that I had decided in unison with the best interests of my country.

Mr. *Slaney* expressed the pleasure he felt at the calmness of tone and temper with which the hon. Member who had just sat down had delivered his opinions upon this great and important question; and he felt, that both these qualities were the more agreeable, when contrasted with the style and manner of the former speaker. It was not for him (Mr. Slaney) to presume to dictate to the House; but he thought, if ever there was a subject of great and vital importance brought under their consideration, if ever there was a question upon the consideration of which it was right that they should lay aside all violent passions and strong feelings it was the present. It was, he repeated, a most important question, as far as regarded the interests of the great body of the labouring population, and he might say, of the community at large. Their great object ought to be to elevate the character, to improve the condition, and restore the independence, of the most numerous, and he might justly add, the most valuable portion of society. If he were allowed to address the House for a short time, he would state a few facts, which would prove that this was as important a question as had been undertaken by any Government. Let the House consider for a moment the immense burthens which the present system of Poor-laws entailed upon the country. They had heard much about agricultural distress; but he would say that, of all the evils which pressed upon those who resided in the country, none could equal the evil of the Poor-laws. He called upon the House, then, not to cast back, without calm and deliberate inquiry, the measure brought forward by Government to remedy that evil. They would find upon inquiry, that the weight of the Poor-laws had been increasing, not gradually but rapidly, upon the country, and had outstripped all the other burthens by which the people were borne down. Hon. Members might, perhaps, imagine that because the nominal burthen was the same, the real pressure had not augmented. But in this they would find they were mistaken. In 1750, the Poor-rates amounted to 700,000*l.*; in 1784-5, 2,000,000*l.*; in 1803, 4,000,000*l.*; in 1815, 6,000,000*l.*; in 1821, 7,000,000*l.*; in 1832, 7,054,000*l.* Now, if they were to take the value of wheat from 1821, as compared with the present time, they would find that the whole burthen had been increased 50 per cent, since that time—that was to say, that a farmer renting an estate would have to pay 50 per cent more Poor-rates in 1832 than 1821. The general increase throughout the country was nearly the same. And for what was he paying this increased charge. Was it in support of an improved peasantry? Was it to ameliorate the condition of an industrious and independent population? Certainly not; the burthen increased, but the working population became more wretched and depressed. It had been said, that the increase of paupers kept pace with an increase of population. Was this so? The House would see. By the 43rd of Geo. 3rd it appeared that the pauper population amounted to 1 in 9; in 1811, they amounted to 1 in 8; in 1821, to 1 in 7; and, in 1827, they amounted to 1,850,000 persons, or to 1 in 6. In several parishes they amounted to 1 in 2; and in one parish the whole population, save the parson, his clerk, and one landholder, were paupers. The total of Church-rate and Poor-rates amounted, in 1827, to 9,500,000*l.*, being 3*s.* 8*d.* in the pound; but, taking the price of wheat at that period, and in 1815, the one being at 90*s.* the other at 60*s.* the rate would be from 5*s.* to 6*s.* in the pound. He would next draw the attention of the House to the increase of crime, which it would appear more than kept pace with the increase of the Poor-rates. In 1811, the number of criminals was 5,360; in 1816, 9,000; in 1821, 13,000; in 1826, 16,000; in 1831, 19,600. In twenty years, therefore, the increase of the population had been at the rate of about thirty-three per cent, while the increase of crime during the same period was at the rate of 400 per cent. Now, when they found the burthen of Poor-rates, the increase of pauperism, and the increase of crime, pressing upon the country at the same moment, surely some remedy was required. Hon. Members might be inclined to attribute this increase of crime to other causes; but, in answer to this he would call upon them to look upon two counties of England, in one of which the Poor-laws were best administered, and in the other where they were the worst administered in the kingdom. He would take a southern and a northern county, Sussex and Northumberland. He found that, comparing the five years up to 1831, there was three times the amount of crime and of pauperism in the county where the Poor-laws were worst administered, compared with the county where they were best administered. What were the evils principally complained of under the existing system? They were, first, the allowance system; next, the making the Poor-rates and the rent of cottages part of the wages. These were the principal evils. What was proposed by this Bill? He would for a moment lay aside the machinery by which the Bill was to be worked, and upon which the hon. member for Marylebone appeared to have directed the whole of his eloquence and argument. But, laying this aside for the present, and coming to what he considered the pith of the question, he would say, that this Bill went to remedy those evils. Any hon. Member who had read the Report of the Commissioners would find, that the existing system acted on three distinct classes of persons, namely, owners of property, employers of labourers, and labourers themselves. And first, with respect to the owners of property, he would, with leave of the House read an extract from the report of the Commissioners. It had been made with great care and minuteness of research, and was worthy of attention. The hon. Member read the following:—

'Our evidence exhibits no other instance 'of the abandonment of a parish, but it 'contains many in which the pressure of 'the poor-rate has reduced the rent to 'half, or to less than half, of what it would 'have been if the land had been situated 'in an unpauperised district, and some in 'which it has been impossible for the 'owner to find a tenant. Mr. Majendie 'states, that in Lenham, Kent, at the 'time of his visit, some of the land was 'out of cultivation. A large estate has 'been for several years in the hands of 'the proprietor, and a farm of 420 acres 'of good land, tithe free, and well situated, 'had just been thrown up by the tenant; 'the poor-rate on it amounting to 300*l.* 'a-year. He mentions another place, in 'which a farm well situated, of average 'quality, was in vain offered at 5*s.* an 'acre, not from objection to the quality 'of the land, but because men of capital 'will not connect themselves with a parish 'in which the poor-rates would keep 'them in a constant state of vexation and 'anxiety. He states, that in Ardingly, 'those farmers who have any capital left, 'withdraw from the parish as soon as 'their leases expire. One of them ad- 'mitted to him, that it was out of the 'power of the landlords to relieve them. 'Mr. Power, after mentioning the uni- 'versal complaint in Cambridgeshire, that 'substantial tenants cannot be found at 'the lowest assignable rents, goes on to 'say, that Mr. Quentin, a gentleman of 'considerable landed property in the 'county told him, that he had a farm 'at Gransden, for which he could 'not get a tenant, even at 5*s.* an acre, 'though land from which thirty bushels 'of wheat an acre had been obtained.' These were but a few instances, but he could cite many others, were it not from a fear of detaining the House. He next came to the effects of the system upon the employers of labourers, which he considered of even more consequence than the effect produced on the owners themselves. The hon. Member here read a long extract from the report, showing, in strong terms, the injury sustained by the employers under the existing system, and instancing cases where labourers refused 8*s.* or 10*s.* per week, saying, "We can do better with the parish." He would be the last man to occupy the attention of the House unnecessarily, but he thought these extracts of importance. The hon. Member next read extracts from that part of the report which showed how the present system affected the labourer himself, and mentioned several cases where honest industrious labourers, who had saved a little money, had been thrown out of work, and had been driven almost from society, until they had spent their little savings and became paupers like the rest. Of course the paupers were anxious to bring all down to their own level; but this evil was principally caused by the fact, that unless a man were dependent on the parish, he had no chance of getting work. Could any thing be more demoralizing than such a system as this? Now, then, for the remedies to be applied to these evils. These were not new, either in conception or in operation. They were enacted by the 43rd of Elizabeth, and were acted upon in the north of England, and in the south of Scotland. They had, therefore, the test of experience in their favour. They were not confined to large districts, but had been tried in small villages and parishes, amongst other places, in Uley in Gloucestershire; at Swalfield, in Wiltshire; at Southwell, in Nottinghamshire; and at Cookham, in Berkshire; and in all these instances, where distress and disturbance existed, it was found that, after the improved system was acted upon, there was neither distress nor disturbance, and persons who were before paupers, were found contributing to the savings' banks. He would say, then, if they considered the diminution of crime as desirable, if they wished for the improvement of land; that if they sought to obtain that which was above all desirable —the improvement of the moral condition, industrious habits, and independent feelings of the labouring population, they would adopt the measure now proposed. He sincerely hoped and trusted, that the Bill would be allowed to go into a Committee, where any trifling objections might be removed, and he had no doubt, when carried into a law, it would be found to work well, and be productive of the most beneficial effects. They had been admonished, by the increase of pauperism and of crime, of the evils of the existing system. They had, in addition to this, the awful lesson of a sort of civil war which took place about two years ago, in more than two counties, and where conflagrations became so common, that a Commission had been very properly appointed and sent down to put the law in execution. In one place, too, the labourers had actually been put up to auction, and sold to the highest bidder. Such a system was enough to make any man's blood boil in his veins, and it ought to be put down by a strong hand. Unless Government had come forward with a Bill of this kind, there would be no security for life or property, and the frame of society could not hold together. It used to be the impression, that when persons went from the metropolis to the country, they retired to peaceful and quiet homes; but now no village, hamlet, or parish was safe from the work of the incendiary; and when the flames were raging at the highest, the labourers, instead of helping to extinguish them, were seen silently looking on. These were lessons which they ought not to neglect; and if the House now declined to support his Majesty's Ministers in their efforts to remedy these evils, they might not, perhaps, ever again have an opportunity of doing so.

Mr. *Clay* could by no means participate in the fears entertained by the hon. member for Marylebone, that the powers which were to be intrusted to the Commissioners under the Bill were likely to produce any serious inroad on the rights and liberties of the country; for, to whom were those powers to be intrusted? Not to any body of persons powerful in themselves. If, indeed, those powers were vested in the Crown, in the House of Peers, in his Majesty's Ministers, or in any powerful Corporation such as that of the Bank of England, there might be some apprehension; but they were to be intrusted to persons who were merely public servants, possessed of no external authority, allied to no party, and against whom every man's hand might and would be raised in the event of their misconduct. So far from creating improper powers, the Bill went to limit the frightful powers which the magistrate on the one hand, and the overseers on the other, exercised over the labouring population, and by which they degraded that population to a state of absolute slavery. He allowed, that the powers to be intrusted by the Bill ought to be subject to proper limitations, and that there were some parts of the Bill which might be advantageously modified; but all that would be matter for consideration in the Committee. At present, such was the state of things, that no man's property, whether in town or in country, could be said to be his own. One step after another, the labouring population had been sunk into such an abject condition, that when they roused themselves from their state of slavery, it was only to plunge into crime. The hon. member for Marylebone had said, he should divide the House to see who were the supporters of the measure. He (Mr. Clay) was quite willing that the hon. Member should watch him as one of those supporters. Although the approbation of his constituents would always be dear to him as a reward for his services in that House, he never would allow the hope of their approbation to influence him in doing what was contrary to the dictates of his judgment; and he thought much too nobly of those who had sent him to Parliament as the guardian of their rights, to believe that when on any occasion he honestly differed from them, and acted conscientiously in consequence, they would feel towards him any displeasure. He had that morning had an interview with a deputation from several parishes of the metropolis, and even of those who most disapproved of the Bill, not one expressed any dissatisfaction at the conduct which he told them it was his intention to pursue. With these few words, and reserving himself for any further remarks until the Committee, he should sit down, by giving his cordial assent to the second reading of the Bill.

Sir *Francis Burdett* observed, that without reading all the details of the Report, but simply from his own knowledge of the facts, every man who had any experience on the subject, must, in his opinion, soon come to a just conclusion upon it. In fact, the House had nothing to do at present with details; the question before them was the principle of the Bill. Now, he must say, that he felt great repugnance to so extensive a change in a system which had existed so long; a change which would go to the hearts and feelings of so large a portion of the people; which would annihilate those laws which had so long been enforced; and which would take from them all hope whatever of relief from their embarrassments, however temporary. If that were not so, he should be very happy, and be almost disposed to vote for the second reading of the Bill. But then there was another objection to the measure, which struck him as most extraordinary. All the good which it proposed to do by its cumbrous machinery appeared to him to be perfectly attainable by a proper administration of the existing Poor-laws. Some of the statements which had been made that evening by an hon. Member, were irrefragable arguments against so large a change as that which was projected; for the hon. Gentleman had mentioned several parishes in which the Poor-laws were so well administered, that they formed a striking contrast to the parishes in their neighbourhood; and it was quite evident that, if a wise administration of the present Poor-laws produced beneficial effects in some parishes, the same effects might be produced in other parishes by the adoption of a similar course, without having recourse to so fundamental a change, and one which would unquestionably be repugnant to the feelings of a very large portion of the population. What were the great grievances of the present system? One was, that the overseers were, generally speaking, not men of sufficient intelligence, and that they did not devote sufficient time to their duties. Another was, that, indiscriminately, relief was given to the poor without any inquiry into their character or deserts; thereby not holding out either encouragement to the good, or discouragement to the bad. But, he repeated, these and all the other evils to the system might surely be remedied without having recourse to so extensive and overwhelming a measure as that under consideration. Surely some measure could be devised for remedying abuses which existed, without being troubled with the cumbrous machinery which disfigured the present plan. It was hardly fair to give any decided opposition to the second reading of the Bill, more especially as they had the power of altering it materially in the Committee. He remembered a Bill being brought into the House long before anything like general Reform was considered attainable, which was allowed to be read a second time, but which was so altered in Committee, that the clauses were not at all the same, and even not three lines of the original preamble were agreed to. The Bill, after coming out of the Committee, contained little more of the original Bill than the title. The same course might be pursued with the present Bill, and, therefore, he did not see any necessity for opposing the second reading. He would not take up the time of the House further than to express his regret, that so decided an alteration should be attempted at once—that so many new and varying principles should have been incorporated in one Bill. He thought each one should have been inserted in a different Bill; that they should have tried one particular point first, have ascertained its practicability, and thus take a less dangerous course in the object they had in view—that of reducing expence, and, at the same time, bettering the moral condition of the poor. He really thought, that the plan would be found wholly impracticable in the way now proposed; and though he would not vote against the second reading of the Bill, he reserved to himself the full right of making a proposition of his own in any of its future stages.

Mr. *Richards* said, it had been the constant cry that Ministers ought to take the revision of the Poor-laws into their own hands, with a view to correct those manifold and glaring abuses, the existence of which no one attempted to deny. They had done so. He (Mr. Richards) had carefully read the Bill brought by them into the House, and, in spite of the taunts thrown out by the hon. member for Marylebone against it, and against the Poor-law Commissioners, on whose recommendation it was founded, he must beg leave to assert his opinion, that the Bill had many excellent features; and he was bound in common justice to say, that both the Bill and the Report did high honour to the talents and the integrity of the Commissioners appointed by Government. He thought his Majesty's Ministers entitled to praise for their judicious selection of Commissioners; he thought the Commissioners entitled to praise for the fearless and the able discharge of an onerous, and, in many respects, a painful duty. The hon. Baronet who last addressed the House, animadverted, in a slight degree, on what had fallen from preceding speakers; but he (Mr. Richards) must say, with the greatest respect for that hon. Baronet, that he could not have read the report of the Commissioners; or, if he had read it, that he had not brought to its consideration, that keen and shrewd talent which generally characterised his observations in that House. The principal provision of the Bill was that which went to deny relief to the able-bodied pauper, except in exchange for labour; and if this provision held out any hope—which certainly it did—of safely mitigating the immense abuses of this part of the system—of doing away with a notorious, a crying, and worse than all, an increasing evil—he did not see any reason which could fairly impede any hon. Gentleman from giving the measure his best consideration, or justify him in saying, that it should not go to a second reading. He really must be allowed to say, that not only had there been a great deal of violence displayed in the sentiments uttered by the hon. member for Marylebone in that House, but that, out of doors, there had been a bold and unjust attempt made to raise a cry against it. He would advert to a pamphlet which had been lately published by an hon. member of that House (Mr. Walter), whose connexions with the press made his assertions of greater weight, and required that his opinions should be more closely examined. The hon. author had been obliged to admit, that the Poor-laws were deserving of consideration, and, in the eighteenth page of his little work, he said, 'It is very certain that distress has 'rather increased than diminished. It has 'extended higher, with the most frightful 'rapidity. The British farmer has been 'dragged down, and has, perhaps, not 'reached the bottom of the abyss; and 'the landed proprietor is in no enviable 'situation. But I do not think any of 'these are to be improved by a totally 'new system, engendered in despair, and 'which we are called upon to adopt in the 'heat of the moment. I should rather 'desire that we might cast our eyes back 'on ancient usages, and endeavour to 'return to them, than introduce a plan 'which might draw the country yet further from its ancient habits, and ultimately tend to change the very nature 'of Englishmen, who have been accustomed to look to each other for support, 'and not to call for the cold and hard 'hand of Government in all occurrences 'of life and changes of fortune.' The author himself, by the words, 'and has 'not, perhaps, reached the bottom of the 'abyss,' seemed to anticipate a future which might be worse in its consequences than the present; and he agreed with that hon. Member, that it would be so, if something were not done; but he still confidently expected—he said expected, for it was beyond a hope—that the measure then before the House, amended as it would be in some points in committee, would redress many of the great and startling evils which pervaded the present system—would raise the character of the labourer—(and what sacrifices should not be made for such an end?)—and greatly benefit the proprietor of the land. It was because the labourer would have a chance of raising himself—it was because the opportunity would be afforded him of making an advance in civilization—it was because by his own industry he might have a chance of bettering his wages—it was because there was here a prospect of others preventing themselves from being dragged into "an abyss of pauperism," that he gave to this measure certainly a very humble, but most earnest and anxious support. Adverting to the application of the principle, the question arose, whether the machinery was sufficiently simple, or, at all events, as simple as could be devised? and he must candidly express his opinion, that changes were desirable. The Central Board was certainly to be armed with immense powers, and, in this point, more than any other, he thought the proposed change too great. It appeared to him that some plan could be devised by which the same effect might be brought about without resorting to so great an organic change, and without shocking, in so violent a manner, the feelings and the habits of the people. It happened to him, a short time back, to pay a visit to the sister island, in relation to this great question, and he there saw a species of poor-law in active operation in the city of Dublin, of which few persons in this country had perhaps any cognizance. Owing to the dreadful annoyance experienced by the inhabitants some years back from pauperism, and its usual concomitants, disease, and crime, a Mendicity Society had been established, in order to redress the evil; and though gentlemen in that House might suppose, that no steps had been taken in that country to remedy the pauperism which prevailed, they would, from this fact, find that even many years ago, it had occupied the anxious attention, and commanded the untiring exertions of many eminent and excellent men. The principle established by this institution was, that no relief should be extended to an able-bodied labourer, except for work done; and the happiest consequences had resulted from the regulation. The very first step, on application for relief, was to give out work, and wages were paid in fair and just proportion. He believed that the whole city of Dublin would bear willing testimony to the advantages which had accrued from the plan, and as it had now been tried for upwards of twenty years, he thought the Poor-Law Commissioners were perfectly right in recommending the adoption of a similar plan in this country. The author of the pamphlet to which he had already alluded, said, ‘ Had ‘ the projects which others have recom- ‘ mended been any of them of beneficial ‘ operation, I should have deferred to au- ‘ thority; but finding the whole system of ‘ Poor-Laws, from their establishment to ‘ the present day, a history of changes ‘ without benefit, every fresh Act indicat- ‘ ing the inefficiency of that by which it ‘ had been preceded, I began to think that ‘ one man's opinion might be as good as ano- ‘ ther's.’ Now, no doubt, the hon. Member had good reason for liking his own panacea, but that furnished no reason why others should speak in praise of it. Further on, the hon. Gentleman quoted, with approbation, a speech of Lord Harewood's, in which the noble Earl said, ‘ He hoped ‘ that he should live to see the time when ‘ the original intention of the Legislature, ‘ in introducing the Poor-laws, would be ‘ brought into operation, viz. to provide ‘ employment for those who required it, ‘ and to provide relief for those only who ‘ were incapable, from age or infirmity, ‘ of working.’ Well, and what was the great principle laid down by the Poor-law Commissioners, but that which he had just quoted? What was their object but to bring back the administration of the Poor-laws to their original condition—to expose the nuisances and eradicate the evils which time and mismanagement had allowed to creep in? This was the principle which pervaded every line of their Report—the restoration of the original design was the object of the Bill. Knowing this—seeing it in the Bill itself—he should certainly vote for the second reading, reserving to himself the right of suggesting, in Committee, certain alterations which, as they did not affect the principle itself, it would be wholly out of order if he were to attempt to dilate upon in that stage.

Mr. *Edward Buller* said, the hon. member for Marylebone had stated many of his own notions without condescending even to touch on the substantial inaccuracies of the Bill, or to notice any of its real merits. The hon. Gentleman seemed to look with more than common affright at the erection of a Central Board, whose powers should pervade and control the mighty parish of Marylebone—hitherto looked upon as an independent state, but now it appeared a tributary one—a kingdom of his own—the El Dorado of his own imagination—in defence of the crown and dignity of which he appeared ready to venture his all. But there were parishes, he begged leave to say, which could not boast the beneficent influence of a well-regulated vestry. There were such things as small parishes—aye, and so many of them, that their population far exceeded the population of the towns, and in these the abuses were so frightful, that nothing but a strong, and, in some instances, an almost despotic power would be able to correct them. He would not deny, that the power to be vested in the Central Board was strong in the extreme; perhaps it was hardly constitutional; but when they recollected the constitution of the vestries in small districts—the thousand abuses which pervaded them—when they recollected the conduct of the magistracy, how they differed in opinion and practice, how local feeling operated in one case, how the petty ambition of appearing the poor man's friend influenced in another—how unable they were, in pauperized districts, to enforce any thing like economy, order, or regularity; when they recollected these things, he was sure they must concede the desirableness of at least trying the proposed plan. For his own part, he felt, from long conviction, the absolute necessity of having a controlling power, remote from local influence—free from local prejudices—that would have the will and the ability to administer the law firmly, impartially, and justly. He did not conceal his opinion, that certain of the powers conferred, such as compelling the attendance of witnesses, committing for contempt, enforcing the production of deeds, &c. would require revision; but that revision belonged to the Committee, and ought not to act as a bar to the second reading of the bill. To another power vested in the Board, he also entertained a strong repugnance, though he was afraid it would prove to be necessary—the removal of salaried officers. Every one knew the incompetency of these functionaries—their ignorance, their tyranny—savages on the one hand, and peculators on he other, and not to be controlled without some strong power like the present. Instances of parish officers, too, who overbore the vestries, were by no means uncommon. He was acquainted with the case of a large parish, in which the governor of the workhouse, a man of violent passions and vindictive temper, controlled the whole parish; and such was the dread of this individual, that, although the mismanagement of the workhouse was iniquitous, and the expenditure excessive, no one ventured to come forward to oppose it. With regard to the proposal of the hon. Member to vest a controlling power in the hands of the Secretary of State, if the hon. Member looked into the Bill, he would find that such a power was given by it, and, in fact, that there was to exist an absolute control over the Commissioners in the hands of the Secretary of State, and that no control existed in reference to the Secretary himself. With respect to the power of the Commissioners to build workhouses, effect unions of parishes without consent, and regulate the relief to be given to able-bodied labourers and their families, he considered the authority granted by the Bill as by far too extensive. If the Bill should work well, it would be owing to the discretion and prudence of the Commissioners, and not in consequence of the wisdom of Parliament. He doubted how far Parliament had a right to delegate such powers as it was proposed to grant to those Commissioners. The House was appointing something like an absolute and unlimited monarchy by means of the provisions of this Bill. Gentlemen might be influenced by a particular bias, and attempt to pursue their opinions too far, or carry on their measures of reform too hastily; there did not exist a sufficient check upon these possibilities. He must also complain, that the duties of the Commissioners were left undefined; he thought that their great powers ought to be defined distinctly. He thought it more fit that Parliament should define the duties and limit the powers of the Commissioners. It would be well, therefore, if Parliament passed a law for the government of workhouses. Much might be done to protect the rate-payers, and define the labour and hours of labour of the paupers. There was but one point more to which he should allude. The Commissioners were empowered to unite parishes for the maintenance of workhouses; and they would also have the power of separating parishes and families. They might place a husband in one workhouse, his wife in a second, and their boys in a third. He had heard, that it was intended to exercise this power of separation. If that report were confirmed, he must say, that to such a course of proceeding, he, for one, would never consent. He was of opinion, that, in the management of workhouses, there should be no more restraint upon the inmates than was absolutely necessary for the maintenance of order; and though it might be requisite to separate men from their wives generally, yet rules should be laid down which, enforcing regularity, should be consonant to humanity.

Mr. *Walter* said, that it was impossible to conceal the fearful importance of the present measure, any more than its anomalous and unprecedented character. It was an attempt, not to alter or improve, but to abolish at one stroke the whole body of our Poor-laws, and to substitute another body of laws, totally different in principle and practice, in their place. The general usage in this country had been to correct abuses, to remove pressures, to strengthen infirm parts, and so by a system or succession of expedients our laws had grown up to their present form and consistency. He confessed that he dreaded, and his constituents were also beginning to dread, this new-made constitution, for such it must be considered, for the poor, and for every parish in the kingdom. He said, that people attained rights by long and unbroken enjoyment; and the poor of this country had rights, many of which they had lost, as the right of commonage, by the indiscriminate rage for enclosures. The right of maintenance and employment still remained to them under the old constitution by which they had been governed; and if injured, if their rights were violated, they were within reach of those to whom, by their voices, they could complain of that violation. But by this new constitution, their rights were to be removed from their old basis, and placed on a totally different foundation; and that foundation would not be within their reach, but placed in London, in a central board or commission. A certain Abbé at the beginning of the French Revolution was said to have had constitutions of every kind, which he could take out of the pigeon-holes of his bureau. This certainly was not one of his constitutions, for there had never been any legal provision for the poor in France; but it resembled them; for it had no connexion with any thing that ever existed before in the habits of the people to whom it was meant to be applied, no analogy with any of their preceding laws, nothing congenial with their modes of thinking; it came out of the pigeon-hole of some theorist's brain, and had been supported before it was offered to that House by a partial examination of individuals and series of leading questions. He hoped the measure would not be persevered in, or, if persevered in, that it would not be carried forward without the most measured consideration and the universal assent of the nation, if that could be obtained. A copy of the Bill should be laid on every vestry table. Other circumstances connected with the measure were the appalling expense and ramified patronage with which it even started. What it might be in the issue heaven alone knew. He thought that, under a Reformed Parliament, there was to be a saving of expenses and a diminution of patronage. By this Bill there would be a mass of patronage created, of commissioners, sub-commissioners, clerks, and guardians, and an expense incalculable, for the first estimate rarely sufficed for one single and definite object; and who could conceive the expense of a system which it was meant should continue for ever? He should certainly vote for the postponement of the Bill till next Session, if the hon. Member divided the House, and should suggest that his Majesty's Ministers should direct their energies for the present to an amendment of the laws of settlement and of bastardy—of the former, by a very different provision from that which appeared in the Bill, by which a man in his old age, should he have fallen into misfortune, might be transported to the place of his birth, which he might never have seen from his infancy. In these two objects there was enough to engage their attention, and that of the House, during the present Session; and such a course would be more in accordance with the usual practice of legislation in this country, to remedy evils singly, rather than to body forth new forms and constitutions.

Mr. *Hume* said, that the hon. Member who had just addressed the House, seemed extremely anxious that we should not enter upon any course which would entail an extravagant amount of expense upon the country. In that particular, he entirely agreed with the hon. Member; and it was because he thought the present Bill calculated to save millions of expenditure, that he approved of its provisions. If the hon. Member looked into the Bill, or had not forgot what he wrote on it the other day, he must agree with him, that the course which we should take in this instance, did not consist in a bit-by-bit reform, but in the adoption of a complete and comprehensive measure. What ought men to do who were aboard a sinking ship? Should they not try to save it by a bold and decisive course? The hon. Member had endeavoured to persuade his constituents to entertain an unfavourable opinion of the Bill: he had stated to them what he conceived to be the evils of the measure, and his own opinion of it. The hon. Member also admitted the evils of the present system. Yet, great and manifold as these were, he now proposed palliatives rather than a cure, and recommended the House to try what could be done for the amendment of the law of settlement. The hon. Member said, in his pamphlet on this subject. "In the mean time, it is very certain, that distress has rather increased than diminished. It has extended higher, with the most frightful rapidity. The British farmer has been dragged down, and has perhaps not reached the bottom of the abyss; and the landed proprietor is in no enviable situation." How was it possible to reconcile those sentiments with the hon. Member's speech, and with the course which he now proposed? The hon Member had spoken of the rights of the poor. What rights did this Bill take away from the poor man? The hon. Member had spoken of evils and abuses, and, in his pamphlet, addressed to his constituents, he said, "But I do not think any of these are to be improved by a totally new system, engendered in despair, and which we are called upon to adopt in the heat of the moment. I should rather desire, that we might cast our eyes back to our ancient usages, and endeavour to return to them, than introduce a plan which might draw the country yet further from its ancient habits, and ultimately tend to change the very nature of Englishmen, who have been accustomed to look at each other for support, and not to call for the cold and hard hand of Government in all occurrences of life and changes of fortune." He asked whether it could be fairly said, that this measure had been concocted in the heat of the moment, when it was notorious, that it was brought forward, after two years of cautious inquiry? If the farmers were dragged down into the abyss, and if the landed proprietors were in no enviable situation, he put it to the hon. Member, whether it was not desirable, after two years of anxious inquiry, and after an extensive and carefully conducted investigation, to attempt some effectual remedy for the evil? The proposed remedy was now before the House, and notwithstanding all that had been urged against it, he was not convinced, that the measure would be unpopular when it should be generally understood. Measures of the most infamous kind had been taken with a view to prejudice the public mind against the Bill. Tyranny and injustice were talked of, and all sorts of mis-statements were hazarded, supported by garbled extracts. The passions of the people were appealed to, and inflamed by telling them, that they were to be enslaved and ruined by this measure. Those statements were perfectly unfounded; he denied that the Bill was calculated to injure the poor. He was the last man to injure the poor—and if he did not believe the measure to be for the benefit of the poor as well as the rich, he would never agree to it. The hon. Member should take care what he was about. He said, that he wanted to raise the moral standard of the people: could he do so while the people were kept in destitution and dependence—while the labourer was kept in a dependent situation, without sixpence that he could call his own, till, driven by despair, he became utterly reckless of what he did, finding his family destitute and neglected, and every prospect of improvement closed against him? At this very moment there were instances of grandfathers, fathers, and sons, all in the workhouse together—a state of things lamentable in its consequences, and all occasioned by the demoralizing laws now in existence, and by the ill effects of the present system. This measure did not take away any existing rights—every man had a right to a subsistence (that he freely admitted), but it was not the part of good laws to support men in idleness and encourage improvident habits. What was now proposed was with a view to correct acknowledged evils. Would anybody object to this? He readily admitted, that he thought some of the powers conferred by the Bill too great, too extensive, and such as would not be found to be required; but that was not the question now before the House. The first forty-four clauses of the Bill embodied the means for carrying the measure into effect. After those followed what he considered as the principles of the proposed system, and to that branch of the subject he had heard no objection. If the machinery were thought too great or extensive, or if there appeared anything unconstitutional in its nature, let it be restricted—make the Commissioners responsible for their conduct; indeed no men should be intrusted with irresponsible power. Therefore, if the present check and control which existed by means of the Secretary of State for the Home Department, and the Privy Council, were not considered sufficient, let it be increased. He maintained, however, that the control was very considerable. All regulations must be submitted to the Secretary of State, who had forty days for their consideration previously to any rule coming into operation. Great delusion existed with respect to the present Bill, but he trusted that it would be removed as the matter came to be discussed and canvassed. He had seen individuals from every part of Middlesex, and having explained to them the true purport and object of the measure, so far from wishing to have it materially altered or abandoned, they all agreed in its propriety, and hailed the advantages of which it held out a prospect. They said, however, that there were powers conferred by the Bill which they were anxious to see restricted. To this he replied, that those powers would be limited if it were found necessary. They said, that there should be a uniformity of system—the Bill was intended to effect that object. He felt somewhat surprised at the observations of his hon. friend the member for Marylebone, but doubtless his hon. friend thought this a good opportunity to trumpet the great and noble acts of the Marylebone vestry. He was ready to give the vestry of that parish full credit for its acts; he had exerted himself on behalf of that vestry, and he said, there was an instance of a proper control being exercised by the vestry. But did his hon. friend mean to say, that he thought the parish of Marylebone a fair instance or example of what was done in the rest of England? There was no intention on the part of the Commissioners to interfere with Marylebone; but if, at a future day, even that parish should fall away from its present virtuous course, it was proper that there should be an efficient control in some quarter—some remedy for evils that might arise. He denied the assumed unanimity of the Marylebone vestry in the petition presented to the House on this subject. Out of 120 individuals only twenty-four concurred in it. [Sir *Samuel Whalley:* Forty-seven.] Yes, the petition was afterwards signed by that number, but who were present when the petition was agreed on? What was the number of the majority in its favour? Only seventeeen, while eleven voted against it. In other parishes many votes had been taken on the subject, and petitions were coming up to the House against the Bill, which proceeded upon a perfect misapprehension and mistake as to its principles. Alarms and fears were groundlessly engendered in some people's brains, and in other people without brains; and thus the subject being imperfectly understood or altogether misapprehended, a prejudice was excited. The hon. Member talked of the impropriety of granting this power and that power, but he agreed in the principle of the Bill, although disapproving of the Central Board. Now, that was merely the machinery of the measure, and should be a subject for discussion in the Committee. Yet this machinery seemed to appal the hon. Member, who fancied he beheld in the Central Board a great and mighty giant, the simple movement of whose hands alarmed him to such a degree, that before venturing to grapple with it he was anxious to run away. He hoped that the House would not be actuated by such groundless apprehensions, but that it would agree to the second reading of the Bill and afford ample time for discussing the measure on other opportunities. The hon. member for Berkshire had not stated a single tangible objection to the measure—had his hon. friend the member for Marylebone stated a single objection? Not one, except as against the machinery of the Bill. But this was not the time to discuss objections of that nature. He asked, however, whether a uniformity of system could be ever carried into effect without some controlling power? His hon. friend would not answer in the negative. Well, then, all were agreed as to the principle of the measure. Even the hon. member for Berkshire admitted that we were sinking to the bottom of the abyss—that we were in a drowning state, and drowning men would catch at straws. Now this constituted his objection to a limited or bit-by-bit Reform, and evinced the necessity of a decisive measure. It was clear, that a controlling power must be lodged somewhere for the purpose of procuring uniformity; and that power would, in his humble judgment, be best lodged, as was proposed by this Bill, in the Central Board of Commissioners. If the power proposed were considered too extensive, let it be limited—if at present undefined, let it be defined, and he was sure the Bill would work well. He would mention that the state of Massachusetts had adopted the English system of Poor-laws, which was introduced by the first settlers, who carried it with them from this country. What was the consequence? The greatest amount of allowance raised by any state of the Union was in Massachusetts, where there was the greatest number of paupers. About the time of the commencement of the present inquiry in this country, the Assembly of Massachusetts appointed a Committee to investigate the subject, and the result was, to produce a Report declaring the opinion of the Committee, that to have men depending on any system of allowance was in itself a great evil—that the whole system was wrong—and the Committee concluded with a recommendation to take away all right of support whatsoever. If this were proposed in England, the hon. member for Berkshire would have ground to complain, but we did not do that. In Massachusetts they had come to a conclusion that the system was essentially bad, and in New York also a Report had been presented to the legislature in the month of February in the present year, stating that they had put an end to out of door allowances, and that the effect in one short year had been to reduce the expenditure fifty per cent, and improve the morals of the people. With such instances before their eyes, it was bad policy to damp the exertions of Ministers, and propose that the present Bill be read a second time that day six months. They deserved the praise of every man for the present attempt, which, if not perfect, ought not to be stopped unless the House was disposed to put an end to all improvements in the Poor-laws. He asked those Gentlemen who viewed with jealousy that part of the Bill which went to confer an unconstitutional power on the Commissioners, to suspend their decision till the

Bill went into Committee. He trusted that the Bill would meet with such powerful support as would show the country that there was a determination to meet the great evil of the Poor-laws in the face. The measure would be beneficial to the farmers and landowners, and was in favour of the poor man. Let not power which was not necessary, for the success of the measure, be given, but let that be given, and then the measure would have a fair trial.

Mr. *Benett* said, that too much blame had been thrown on the Magistrates, who had acted solely under the law. They had distributed their own money and the money of their tenants. They had been accused by the public Press, first of having been too sparing of their own money, and then of having been too lavish of it. This was a very difficult subject. A Bill had been brought in by Mr. Sturges Bourne, founded on the evidence and Report in the year 1817. No man understood the Poor-laws better than that Gentleman, and yet his Bill was not successful. Then the matter was afterwards taken up by Sir James Scarlett, who gave up his Bill. He was followed by Mr. Nolan and Mr. Slaney, both of whom in succession gave up their own measures. He was not standing up to oppose the second reading of the Bill, though he was confident that it must be altered so as to make it agreeable to the country. He agreed with many Gentlemen who said that something must be done; but if something must be done, it must be done well. The workhouse system, which only perpetuated poverty, must be abolished. The system might be put down without this machinery of the workhouse. The great evil in the west of England was, that able young men, who did no work, received wages. He should certainly support the second reading of the Bill.

Mr. *Hawes* expressed his assent to the principle of the Bill, and should vote for its going into a Committee. He had heard a great deal about despotic power, but he could not conceive how this Bill could be called a despotic measure. The power which it was proposed to intrust to the Commissioners might be subjected to some appellate jurisdiction. With some restriction of that kind he should vote for the Committee, reserving it to himself to check any great and unnecessary power which might be conferred by the Bill on the Commissioners.

Mr. *Brotherton* said, that the Bill, before it received the final sanction of the House, must receive many Amendments and modifications. His constituents were in favour of the principle of the Bill. It appeared to him that, considering the fluctuations in the trade of the country, it would be impolitic to exclude able-bodied labourers from relief. This Bill would Reform the system of management introduced into parishes. He should support the second reading of the Bill, at the same time he must say, that he thought the power of the Commissioners by far too great.

Lord *Althorp* had great satisfaction in stating, that he did not see any occasion to detain the House very long. The objections which had been raised against the provisions of the present Bill in the course of the evening's debate were so few and so inconsiderable that he need trouble the House with but very few observations. It was extremely satisfactory to him to find that such a general concurrence of sentiment existed in favour of the principles of the Bill before the House. Although some very few Gentlemen had announced their intention of voting against the second reading, there was no class of Representatives or of peculiar opinions united against it. The hon. member for Westminster (Sir Francis Burdett) had expressed an opinion that the provisions of this Bill were too large; but if he had considered how large was the evil that was to be remedied, he would not have expressed that opinion. If it was attempted by small measures to Reform the present evil system of the Poor-laws, it would be but a continuance of the mistaken principle which had hitherto been acted upon in legislating on this subject. It was well known that Bill after Bill had been carried through the Legislature upon this subject, which, so far from having any beneficial effect, had, in too many cases, made matters worse than before. Another hon. Member had said, that if parishes were left to themselves they would adopt such measures as might promise to be of a beneficial practical effect, and had instanced cases in which a wholesome system of Poor-laws had been introduced by the assiduity and good sense of the local authorities. He admitted these facts, but in doing so he thought they were but an additional proof in favour of the necessity for some general measure of the kind now before the House. The object of the present Bill was to raise the moral as well as the economical condition of the labouring classes. Some hon. Members had declared, that they did not see how that object was to be effected by it. Now it was evident, that inasmuch as the application for parish relief was discouraged, the labourer must bear a more independent and a more respectable character. The hon. member for Wiltshire, in allusion to the difficulties of the subject, had quoted the names of a number of persons of eminence and great ability who had attempted, but failed, in such a project. No man was more conscious than he was of the difficulties with which this question was encumbered; and so convinced was he of them, that he thought no one could hope to succeed in avoiding them unless he had previously obtained that vast fund of information upon the subject which it had been the object of the Commission recently appointed to procure. It was not at all surprising that Members unprepared with this fund of materials should have hitherto failed in attempting to legislate upon the subject. He now came to a few particular observations upon what had fallen in the course of the debate. The hon. member for the City of London had stated, as to the power proposed to be invested in the Commissioners to be appointed under this Bill, that if one fraction more was given than was necessary for carrying the provisions of the Bill into effect that fraction ought to be taken away. He perfectly agreed in that opinion; and, therefore, when the Bill came before a Committee of the House he should certainly not oppose any diminution of those powers which might be suggested, provided it did not go to such an extent as to invalidate the principle of the Bill. The hon. member for Lambeth had suggested the propriety of a superior Court of Appeal from the decision of the Commissioners; and he must say, that he did not feel inclined to oppose that proposal. He would also be happy to meet the inclinations of another hon. Member in doing away, as far as possible, with the immunities of indemnity proposed to be granted to the Commissioners in their official capacity; at the same time that he thought that, in cases where they might be acting strictly in execution of the provisions of this Act, they should be protected. If actions against them were permitted under such circumstances it might be productive of great and unnecessary vexation and litigation, as attornies in every county town would be constantly taking advantage of it to harass the Commissioners in the exercise of their duty. Another hon. Member, in allusion to the extensive powers which the Commissioners were to hold, had particularly alluded, amongst others, to their authority for settling the salaries, &c., of the overseers. It should be recollected that, whatever might have been said to the contrary on the subject, this Bill did not vest the power of appointing the overseers in the Commissioners. An hon. Member who had made some observations panegyrising the present system of Select Vestries in some parishes had, nevertheless, not advanced anything against the principle of paid overseers; and he did not think it expedient that the Commissioners, having authority to direct the duties of the overseers, should not also be intrusted with the payment of their services. He next came to the principle of enabling the Commissioners to make laws and general rules. He would ask, notwithstanding the objections which had been raised against it, whether this was so new a principle as to be objectionable on that account? Was not the power now vested in the Magistrates in appointing the allowance scale tantamount to making regulations? He was perfectly ready, however, to take into consideration any objection which might be raised upon this point when the Bill came before the Committee. He must be allowed to observe, however, that the House should not come to legislate upon a matter of this kind without giving some credit to the Commissioners or other officers to be appointed for not seeking to exceed their legitimate authority. An hon. Member who had lately addressed the House, had borne testimony to the efficient alterations which had been effected in various parishes at different times and under different systems of management. Those facts appeared to him to bear strongly in favour of a measure of this kind, which would appoint a body of men capable of investigating all the particulars of different parishes with a power to appoint the course to be adopted in the various cases which presented themselves under the existing system. No one Legislative Act could be passed applicable to every particular case; what would be a proper course to adopt in one district would be directly the reverse in another. With respect to the union of parishes, it had been suggested as an improvement, that a scale should be adopted as to the extent of the districts. The hon. member for Marylebone had declared that there existed no sort of abuse in that parish. He had no doubt but the affairs of that parish were undergoing a wholesome course of improvement, yet he could hardly think, that there were not some points in which it might yet be improved by such a measure as that before the House. Some Gentlemen had expressed alarm at the removal of power from the hands of the Select Vestries; but it really appeared to him, that so far from the useful services of the vestries being impaired, they would be increased when the Bill came into operation. It should be recollected, that already under the existing state of the law the Magistrates had a very great compulsory power over the vestry authorities. He now came to the proposed workhouse system, upon which much misrepresentation appeared to exist. It was said, that the intention of the Bill went wholly to prevent the granting of relief out of the workhouse walls. Now the fact was, there was no one clause in the Bill to that effect; but, on the contrary, a passage expressly declaring, that in cases of emergency relief might be given out of doors. The Commissioners were certainly to have the power of recommending the building of workhouses; but, so far from all relief of any other description being prevented by the Bill, he believed, that when it came fairly into play, the out-door system of relief might be advantageously increased rather than otherwise. The hon. member for Marylebone, and another hon. Gentleman, would have confined, it seemed, all legislation upon the subject of the Poor-laws to the matter of settlement only; and the hon. member for Marylebone, with what propriety had not appeared, had denominated the present Law of Settlement as a remains of feudal times. With respect to the mode which it was proposed to introduce, he must say, that he not only considered it superior to that already in operation, either in England or in Scotland itself; but that it was at once the simplest and most efficient that could be contrived. In Committee, however, it might be susceptible of some modifications, which he should be willing to consider with a candid and unprejudiced mind. The whole Bill, in short, was still open to improvement, for he took this occasion to say, that it was not to be considered in the light of a party or Government question. The Government had done their utmost to meet the difficulties and the necessities of the case; and he should most readily give way to any well-supported opposition which might be urged in Committee, and which did not tend to diminish the efficiency of the general principle of the measure. Under these circumstances, he had no doubt, that the second reading of the Bill would be carried by a large majority. He hoped such would be the result of this evening's division, as it was a matter of great importance, after the misrepresentation and clamour which had been raised against it in some quarters out of doors, that the House should show their determination not to abstain on that account from giving their support to a measure which they thought would confer advantages on the great body of the people.

Sir *James Scarlett* did not wish to detain the House, but he must beg leave to say, that he congratulated the country upon the Government having taken this momentous question into their hands; and though there were some particulars in which he thought the provisions of the Bill faulty, in respect to the authorities to be vested in the Commissioners, and the proposed alterations in the Law of Settlement, and the workhouse system, yet he would vote for the second reading. With respect to the Commissioners, he was decidedly opposed to the union of legislative and executive power which it was proposed to repose in them. This was a delegation of authority, a sort of *imperium in imperio*, which he could never bring himself to allow.

The House divided—Ayes 319; Noes 20: Majority 299.

The Bill was read a second time.

List of the NOES.

ENGLAND.

Attwood, M.
Attwood, T.
Beauclerk, Major
Faithfull, G.
Fielden, J.
Fryer, R.
Halse, J.
Scholefield, J.
Vyvyan, Sir R.
Walter, J.
Young, G. F.

IRELAND

Lalor, P.
O'Connell, D.
O'Connell, Maurice
O'Connell, Morgan
O'Connell, C.
Ronayne, D.
Ruthven, E.

Ruthven, E. S.
Vigors, N. A.

TELLERS.
Evans, Colonel
Whalley, Sir S.

HOUSE OF LORDS,

Monday, *May* 12, 1834.

MINUTES.] Read a third time:—Warwick Witnesses Indemnity.—Read a second time:—Conveyance of Fish Amendment; Law of Escheats.

Petitions presented. By the Duke of BUCCLEUGH, from the Schoolmasters of Tedburgh, for an increased Stipend.——By the Earl of DURHAM, from several Dissenting Congregations, for Relief.—By Earl FITZWILLIAM, from Auchtermuchty, for the Repeal of the Statute by which Bishops sit in the Upper House; from Cupar and two other Places, for the Repeal of the Corn Laws.—By Lord FEVERSHAM, from Selby, against any Alteration in the Corn Laws, and for a Commutation of Tithes.—By Lord SUFFIELD, from two Places, for Relief to the Agricultural Interest; from Eynesford, for the Repeal of the Malt Tax; from several Places, against exempting Persons from making the Subscriptions which are now required on Admission to Universities.—By the Earl of ROSEBERY, from the Commissioners of Supply of Renfrewshire, in favour of the Future Entails; and Entails Relief (Scotland) Bill.—By the Archbishop of CANTERBURY, from the Presbytery of Aberdeen, for Protection to Church and State.

DISSENTERS—GLASGOW PETITION.] The *Lord Chancellor* said, he held in his hand a Petition, which had been intrusted to his care by a very numerous and respectable body of his fellow-subjects, residing in the city and neighbourhood of Glasgow. The petition proceeded from a meeting assembled in one of the churches or chapels of that city, after long, formal, and public notice, the requisition for that purpose having been signed by 272 respectable housekeepers and inhabitants of Glasgow. The meeting, which was held on the 6th of March, was most numerously and respectably attended, and he signatures affixed to the petition, which was then unanimously agreed to, at and after the meeting, amounted to 48,600. A similar petition, which had been presented in the last Session, or the Session before, from the same neighbourhood, and which emanated from a similar meeting, did not receive, as he was informed, more than one-third of the signatures that were attached to the petition which he was now about to lay before their Lordships; the signatures to the former petition being, he believed, under 15,000—a circumstance which he particularly stated, as undoubtedly showing that the opinion and feeling which had given rise to these petitions had not diminished, had not remained stationary in that part of the country, but, that they had largely, and, he might add, rapidly increased and advanced. He felt, as an individual ought to feel, highly gratified at the great and distinguished honour which so large and enlightened a body had conferred on him by agreeing unanimously to intrust to him a petition so respectably promoted, and so numerously signed—a petition breathing their wishes on a subject which they deemed to be of such paramount importance, which was so dear to their feelings, and which lay so near their hearts. In presenting such a petition on such a subject, and coming to his hands from such a quarter, it would have given him the greatest satisfaction if there had prevailed between the numerous body from whom it emanated and himself such a degree of unanimity of opinion and feeling, as would have enabled him to give that support to the whole of the prayer of this petition, which he was always anxious to give to the prayer of any petition, that it became his duty to present to their Lordships. Undoubtedly he agreed with a large portion of the prayer of the petition; indeed, he might say, that with the greater portion of it he entirely agreed. The prayer of the petition was not in favour of the Dissenters of Scotland, or of England—no, the petitioners, acting upon principles of the greatest liberality and disinterestedness, called the attention of their Lordships, not to the state in which the Dissenting population of England and Scotland were placed, but put forward the claims of the Dissenters all over the United Kingdom, and solicited the redress of those grievances, and the removal of those disabilities which were by them suffered. It was not necessary for him to remind their Lordships, or to inform those petitioners, that there was no individual in either House of Parliament, who had ever manifested, or who had ever expressed, feelings more firm or more zealous in support of the principle of religious toleration in its widest and fullest extent than he had done. He had always expressed this opinion, that no man ought to be prejudiced or injured in the enjoyment of his civil rights on account of his professing particular religious tenets. But although holding this opinion, although imbued with, and acting on these principles, he could not go along with the petitioners in professing sentiments which were to be found in the residue of that prayer—he meant that part of it in which the petitioners prayed their Lordships to take measures for the dissolution of what they called the unjust, the unscriptural, and injurious connexion between the Church and State. This was a new form of expression which had lately crept into the language of petitions, and which seemed to have originated in political rather than religious dissensions; perhaps it was a loose form of expression; and he was not sure that he perfectly understood it; but he took it to mean, that the wishes of the petitioners were, that there should no longer be any Established Church, but that religion should look for support to the principle of voluntary contributions. They desired that there should be no annuity, no tax, no compulsory provision whatsoever, for the maintenance of religious establishments; but that all sects and individuals, the ignorant and uninstructed, as well as the better-informed, might be left to provide for themselves that portion of religious instruction, of which they stood in need, so that every man might be a sect and a church to himself. On this point he professed a difference, an irreversible difference, of opinion with the petitioners, and he could not but advert with feelings of alarm, and even of dismay, to the state of things inevitable on the concession of this portion of their prayer. The prayer was, in fact, one for the total abolition and extinction of all hierarchies in Scotland, as well as in England—as well for the suppression of the economical Church of Scotland, as of the less economical establishment of England; but he could not think of leaving 14,000,000, he believed he might say 16,000,000 or 18,000,000 of persons, wholly without any established or enduring means for the maintenance and support of religion. And why did he hold this unalterable, this irreversible difference of opinion—a difference of opinion which he had not withheld from those who had intrusted him with the petition,—why did he thus dissent from the views entertained by the petitioners? There were some wants which might safely be left to the animal instincts of our nature to be supplied; the cravings of hunger and thirst were sure to meet with attention through the summons of our physical necessities; the more a man felt them, the more he desired to satisfy them; but the case was not so with the more refined and elevated feelings. It was not so in the instance of a common secular education. The less enlightened men were, the less they felt their ignorance, and the less pains they took to advance their own improvement; and surely this argument would apply to religious instruction. This was the first argument he had to urge; but, claiming for himself the same freedom of religious opinion which he asked for the Dissenters, he must say, that he viewed with alarm and consternation the possibility of leaving 16,000,000 or 18,000,000 of men wholly unprovided for in respect of a religious establishment. Another argument, on which however he did not lay so much stress as on that which he had just used, might be found in the fact, that an Established Church, whether in connexion or not with the State did not much matter, he would not argue on a phrase—that an Established Church, or, in other words a recognized clerical body, was the only obstacle that could be opposed, the only safeguard that could be devised against the unbridled licence of fanaticism. His opinion was fixed in favour of some religious establishment, but what kind of religious establishment that ought to be, what defects were to be found in our own, and of what improvements it was susceptible, was a question which, however interesting, was thrown aside by the declaration of the petitioners, who prayed their Lordships to take measures to abolish all religious establishments. The language of the petition went to affirm that an Established Church was not only not enjoined, but expressly prohibited, by the precepts of the Christian religion. Now if the petitioners, looking back only to the primitive times of Christianity, grounded their argument on the posture of affairs which the state of the early Church presented to the historical inquirer—if they did this, he must say, that they took a very short-sighted and imperfect view of a very important question. They had forgotten that the Gospel was propagated by human aid, acting in concert with Divine interposition, and Divine Providence having thus strongly established the principle of acting by second causes, it might reasonably be concluded, that to second causes much was still intrusted. No man who had any acquaintance with that part of the Roman history which comprehended the period referred to could suppose that an Established Church, such as was to be found in our own country at the present day, was not wholly inconsistent with the fabric of society at that time; but it did not follow, that because an establishment was ill adapted to those the early ages of the Church, that a different rule might advantageously be applied to different circumstances. He spoke under correction, in the presence of those who would set him right if he were wrong, and who were better acquainted than he could pretend to be with these controversial points. He had thus endeavoured to show, that the fact of there having been no establishment in the early ages of the Church was no argument against the existence of one now; but if the petitioners could prove, that an establishment was actually prohibited by the positive injunctions of Christianity, "then," said the noble and learned Lord, "*cadit quæstio*, and my argument is at an end." This point, however, yet remained to be proved. To this extent, and to this extent only, did he differ from the prayer of the petition. He had always thought, and he had never concealed his opinion from their Lordships, that the Dissenters had many practical grievances which ought to be redressed. Whether they were English, Irish, or Scotch, they had never wanted, and never should want, his feeble assistance, which should always be heartily though inefficiently rendered, to remove every iota of a cause for just complaint on their part. But he wished to warn them, as they valued their redemption from civil disabilities—as they regarded the good opinion of their best friends—as they esteemed their own character for good sense and consistency—as they would triumph over those who were opposed to them—not to cease one moment, not to lose one instant of time, in avoiding any foundation, which might otherwise be laid, for a suspicion that they were opposed to any system of religious instruction. He was much concerned that so numerous, so respectable, and so enlightened a body of men as the Protestant Dissenters should have shown themselves on this, as on one or two other points, so difficult to please. Let them look to the nature of the grievance of which they complained, and the means for its redress and removal; but let them accept that redress when it was offered them, and not trouble themselves with trifling, speculative, and unimportant points. They complained, and with reason, that they were deprived of the advantages of a legal marriage, which would be good for the Established Church as well as the Dissenters, since the present practice was an inducement to what he would call brawls in the place of worship. The Dissenter was conscientiously bound to enter his protest against the marriage ceremony, as solemnized in conformity with the ritual of the Church of England. Well, this grievance it was proposed to redress altogether; to allow the celebration of marriage in dissenting chapels and meeting-houses; but because the Marriage Act required not for religious, but merely secular and civil purposes, that bans should be proclaimed on three successive Sundays, the respectable body for whose benefit the measure was intended, much to his sorrow, thought proper to reject it. Now, the Church had a right to dissent from such a proposition, society had a right, the Legislature had a right to oppose it; they could not give up the publicity which ought to belong to all transactions of this nature, and open the gate wide to youthful imprudence, clandestine connexion, and forcible abduction. This was the only reason for enforcing such a regulation, and he was sorry, that the policy of it was not more clearly seen by the Dissenters. In connexion with this point, he felt bound to mention, that he thought it a great evil, and the greater in a country like this, that the registers of births, deaths, and marriages, should be so incomplete. His noble and learned friend on the cross-bench knew as well as he did of an instance where an estate of 6,000*l*. or 7,000*l*. a-year was within a hair's breadth of going to the wrong person, in consequence of the defectiveness of the parish register of baptism. All ranks and persuasions might, indeed, justly complain of the evil, but the Baptists were peculiarly subject to its pressure. It gave him pleasure, however, to think that a measure to remove that evil had been introduced into the other House by an hon. and learned relative of his own, and he believed that it stood for discussion that very evening. He had stated his opinions on this question, and had shown how far he agreed with the prayer of the petition he had the honour to present, and he should not have done his duty if he had not stated his opinion, as well as the grounds on which he protested against a portion of that petition.

The Archbishop of *Canterbury* said, if the petition presented by the noble Lord had confined itself to desiring the removal of the grievances or disabilities under which the Dissenters laboured—if it had merely required at their Lordships' hands toleration to the full extent to which liberty of conscience could be granted, he should have most heartily concurred in its prayer, because it was his earnest wish to see every disability under which any class of his Majesty's subjects unjustly laboured removed as speedily as possible. He could assure their Lordships that he was as solicitous as any Member of that House—as any man in the country—to redress the grievances of the Dissenters, as far as that redress was consistent with the duty which he owed to the Church to which he belonged; but, although he made this statement, he was at the same time bound to declare, that if the demands of the Dissenters were at all directed against the stability of the Establishment it would be a duty imperative on him to give them every opposition in his power. Had the petition gone no further than to claim for the Dissenters reasonable advantages, comforts, privileges, and dignities—had it merely asked that they might be secured in the enjoyment of property—in a word, had they demanded to be put in full possession of all those civil rights to which they were legally and constitutionally entitled, he should not have offered a syllable in opposition to its prayer; but when this was not the case—when, instead of seeking that for which they had a right to look, the petitioners avowed principles which he could not recognise, which were subversive of the Established Church—he felt that he would be wanting in his duty if he allowed the subject to pass over in silence. He must say, that he entirely concurred in the greater part of the sentiments which had been so ably and eloquently expressed by the noble and learned Lord who had just sat down, and that he could not hear such demands as this petition contained, made in that House without standing up in his place to protest against their going any such length as these petitioners would have them go. But really the proposition was altogether so wild, so absurd, and, he would add, so unreasonably extravagant, that he could hardly suppose it to have emanated from persons of the known intelligence and respectability of those whose names were affixed to this petition. Surely, in making such a proposition, they could not have kept in view the great object which an Established Church was designed to accomplish, namely, the dissemination of a pure and holy religion, not only in the lanes and alleys of populous towns throughout obscure villages, but, he might say, over the whole surface of the empire. The light of true religion could not possibly be extended to remote and insignificant places without the aid of an Established Church; and it was therefore on the grounds of its vast usefulness that it was to be defended. The noble and learned Lord had most justly, and with that ability for which he was distinguished, explained the particular wants which it was intended to supply; and to those who thought with him, that a religious institution was a blessing, the advantages of an Established Church must be sufficiently obvious, to dispense with the necessity of his taking up the time of their Lordships, by then pointing them out at any length. When he spoke of a religious Establishment of any kind, he merely looked at it as a means for carrying into effect the designs of the Almighty in revealing the Holy Gospels for the benefit of mankind. The Gospels were revealed for the benefit of the poor as much as for the advantage of the rich; and if no Established Church existed, he should like to know how the light of Divine Truth could reach the habitations of the poor? It was no doubt true, that even though no Established Church existed, individual piety, in a rich country like this, would find means for diffusing religious instruction to a certain extent. In the wealthier part of great towns, churches might be found, as convenient and as well adapted for the purposes of Divine Worship as at present; but, although this would do very well so far as the rich were concerned, the poor, who were scattered over the whole face of the country, must be totally neglected, if religious instruction were not provided for them by the State. Without an Established Church, the poor would be left in gross ignorance of the beauty as well as of the moral precepts of religion. They would be strangers to the hopes of the blessed hereafter which it held out; or else, instead of being taught a sound religion, and a pure faith, they would be left at the mercy of ignorant and illiterate fanatics, by whom they might be led into gross and absurd beliefs, which, in his opinion, would be just as bad as the absence of all religion. But there were also other points of view in which a religious establishment was important. It might be considered as holding out the light of pure Christianity—as preserving that true religion which had been really revealed from Heaven. Every man must be aware that a contaminated religion was worse than no religion at all; and, as the object of the Church was, to preserve Christianity pure and undefiled, it was in that point of view most important, not only to the unfortunate people who now existed—the present generation—but to all future ages. Had no Church, he would not say Establishment, existed from the earliest times, how could the doctrines of Christianity be discriminated at the present day from the beliefs of the numerous sects with which the world abounded, and all of whom asserted that the notions which each entertained constituted the only true religion of Christ? Amidst such endless confusion and discord, was it not evident, that without some Establishment the ignorant would be unable to obtain the information requisite to enable them to arrive at truth? Corruptions might have crept into the Church, but, as it had been the means of preserving a pure record of the Divine Truths which could otherwise not have been obtained, in so far was its existence salutary, and, therefore, they should not suffer themselves to be led away by the idle outcry which had of late been raised against it. But, he could not believe, that the respectable and learned clergymen who were said to have signed the petition could have taken into their consideration the whole of the arguments in favour of a religious establishment, or they never would have advocated the proposition now put forward for destroying it. The Dissenters declared, that they were the friends of religion, and, if this were so, they should examine well the voluntary system upon which their churches were supported, before they recommended that system for general adoption. Did they not, he would ask, complain of the inefficiency of the wretched provision, derived from voluntary contributions, made for their ministers, or had they never expressed sorrow for the want of a sufficient number of places of worship to accommodate their congregations? He was misinformed, or else they had, and had he not, therefore, a right to say, that if the whole country were put under the voluntary system, so much extolled by those who were unfriendly to the Church, the result would be, that the wants complained of by the Dissenters themselves would be multiplied in exact proportion to the number of Protestants as compared with the number of Dissenters? The evil would be increased to an incredible extent, but it was not then necessary for him to enter further upon the advantages of a national Church. He could not help expressing his deep concern and regret at the course which the Dissenters had taken, neither was he able to conjecture the cause which had so recently produced such an alteration in their sentiments on this subject. Their objection to the Church Establishment was perfectly new. He believed, that no such notion had ever existed in this country prior to the time of the French Revolution, and, he knew, that before that period, many respectable Dissenters had advocated the necessity of a Church Establishment. Topics of a different kind they had undoubtedly discussed with great warmth, but until now they had not thought, even, of bringing forward a scheme so wild and extravagant as the abolition of the Established Church. He must confess he was wholly at a loss to know to what this change of sentiment was to be attributed. The noble and learned Lord was quite right as to there being no text of Scripture which went to show the inexpediency of an Established religion. It had been stated, at the Dissenters meetings, that the Church Establishment did more harm than good. The parties who made this injurious assertion —and among them were some whom he regretted to see in such a position—declared, that they represented the great body of the Dissenters of this country; but, although that might be the case, he still believed, there were many belonging to these benevolent and distinguished communities, who did not participate in any such principles or feelings, but who, on the contrary, were strongly convinced of the benefits derived by the community at large from the Church Establishment. The silence which such persons had hitherto observed, had been construed into a sanction of the violent language used at the meetings to which he alluded, and, therefore, he hoped they would take an early opportunity of coming forward to avow their real sentiments, and state, whether they regarded the Church of England as a grievance from which they desired to be delivered. The feelings which Churchmen once entertained for Dissenters were completely worn out; and he could now deny, without hesitation, that any—even the least—feeling of hostility existed in the mind of Churchmen against Dissenters. It was, therefore, unfair that the latter should exhibit such hostility against the former. But was that, he would ask, the way to preserve peace; or, was it not rather the way to revive gone-by animosities, which ought not to be re-called into existence? As for himself, he solemnly declared, that he did not entertain the slightest feeling of either animosity or disrespect towards the Dissenters; and he might make a similar statement on behalf, not only of the clergy with whom he had communicated, but of the clergy generally. Whenever the assault that was made upon the Church, became the topic of conversation amongst those of the clergy with whom he had spoken, no expression escaped them that was inconsistent with Christian charity, or that manifested the least animosity towards the Dissenters. On the contrary, they one and all agreed, that all the concessions that could be made with safety, should be granted; and this, he could assure their Lordships, was the common language in which every Address on the subject that he had received was couched. But it had been said, that the clergy felt the danger which surrounded them, and were, therefore, afraid to speak their sentiments freely one to another. That, however, their Lordships would readily believe, was not the case; but, even supposing for the argument sake, that they were in danger, could it for a moment receive credence that they were so wanting in spirit as to fail in self-defence? That defence they were prepared to make, should the necessity arise; but, then, it should always be carried on in a Christian spirit. But before the Dissenters had assumed their present threatening attitude, he would ask, what had been the conduct of Churchmen towards them and their claims? They had opposed the Catholic Emancipation Bill, not from any wish to deprive the Catholics of any advantage to which they were entitled; but, because they conceived the measure to be injurious not only to the Irish Church, but to the Church of England. The records of the speeches delivered in that House would show the grounds upon which they resisted the repeal of the Test and Corporation Acts, by which Dissenters received such considerable relief. They opposed that measure, not on account or with reference to the Church, but because they found it impossible to reconcile it with the general policy of the country. Without occupying the time of their Lordships longer, he begged, in conclusion, to say, that whatever steps might be taken against the Church — whatever irritating language might be used or aspersions cast upon the clergy—and whatever means might be resorted to for the purpose of destroying or overturning the Church, he yet hoped, that the clergy would never forget that Christian spirit which alone should actuate the ministers of religion. They should uncompromisingly oppose anything that tended to impair or diminish the efficiency of the Church; but then, they should discharge their duty in a Christian spirit, and not endeavour to deprive those by whom they were assailed of any advantages to which they were legally, fairly, and constitutionally entitled.

Earl *Fitzwilliam* was understood to express his regret, that the noble and learned Lord on the woolsack, than whom there had never existed a more anxious, able, or consistent advocate for religious toleration, had not, in pursuing his argument as to the necessity of a Church Establishment, followed his position up by contending for the equal necessity of revenues applicable to that Establishment. There was another point to which the noble and learned Lord had addressed some observations in which he regretted that he could not concur—namely, that the measure which had been proposed in another place, having for its object the relief of Dissenters from the grievances to which they were exposed on the celebration of their marriages, would be satisfactory to them. They felt the provision for the publication of bans in a Church to the doctrines of which they were opposed, would be only a continuance of one of the grievances of which they complained. He could not agree with the noble and learned Lord, that this provision was necessary, in order to prevent clandestine marriages. With respect to what had fallen from the most reverend Prelate who had just resumed his seat, he must observe, that no person, Dissenter or otherwise, could have heard the most reverend Prelate without being imbued with the highest respect for his character; but the most reverend Prelate, in reverting to past transactions, the history of which still survived in the memory of the Dissenters of this country, had omitted to trace the generation of the jealousy existing from the mere claim of superiority, which was still thought by that body to be found in the continued maintenance of the Church Establishment. Whatever might have been the conduct of the right reverend Prelates of the Church of England on former occasions, when the claims of Dissenters came under consideration, six years had not elapsed since a great fight had been made in another place to continue the exclusion of Dissenters from corporate and other offices. Then it was, that the party who represented, or assumed to represent, the Church of England, and so assuming, took it under their care and protection, told the Dissenters, that they were not fit to fill the office of Alderman, nor even that of Common Councilman, in any corporate body. Could it be supposed, that such a circumstance did not still live in the recollection of Dissenters, and excite their animosity towards the Church Establishment? To that Church he himself belonged: to its Prelates and Ministers he owed, and entertained the highest reverence, but he thought they had not sufficiently studied the government of all classes, and if they were now exposed to the taunts of men who had been partially relieved from grievances, he hoped they would receive a lesson from which they would profit. He denied, that the prayer of the petition just submitted, embodied any new wish on the part of the Dissenters, as had been suggested by the most reverend Prelate who had just addressed their Lordships. The noble Lord concluded by repeating his conviction, that the provision of the Bill elsewhere introduced for regulating the marriage of Dissenters, was most objectionable to the great portion of that numerous and respectable body.

The *Lord Chancellor* said, that some provision must be made for giving publicity to marriages contemplated between Dissenters and members of the Church of England. That such a provision was necessary, he thought could not be denied, for nothing could be more easy, if publication was only required in a chapel or meeting-house, for the daughter or sister of the noble Earl opposite (Earl Fitzwilliam) or for his (the Lord Chancellor's) daughter to become a Dissenter, in order to effect a clandestine marriage, and to keep its very contemplation a secret from those who ought to be the best informed. He, however, would not deny, that many better modes of publicity than bans in a parish church might be devised; but certainly their publication in a meeting-house was not calculated to give information to all men that their daughters were about to be run away with.

Earl *Fitzwilliam* repeated, the objection of the Dissenters was, their being called upon to conform to the customs of a Church to which they did not belong, by the publication of bans of marriage.

The Archbishop of *Canterbury* was aware, that objections had been made to the present mode of publishing the bans. A different system was acted upon some time since; that was, that the names of the parties were affixed to the doors of the parish church. This was found to create general disgust throughout the country, and led to a diminution of the number of marriages, and it was therefore found necessary to alter it.

The Earl of *Haddington* wished for a moment to call their Lordships' attention to the nature of the Petition from Glasgow, and also to the number of persons whom it had been stated had subscribed their names to it. This petition was said to be signed by 52,000 inhabitants of that great and industrious city; and the object of the petition was to get rid of the unscriptural and injurious alliance subsisting between Church and State. He was astonished at the prayer of the petition, coming as it did from a place celebrated for its attachment to the Church of Scotland. He thought it most surprising, that any number of persons should be found in that place to sign a petition which was to have such an effect on the national Church of that part of the empire. He had been assured, however, by a Gentleman of great respectability, who was well acquainted with Glasgow, that a great number of names had been signed to that petition without the knowledge of the persons who bore them; that some had signed their names over and over again, and that many were sham names; and also, that boys had, for the purpose of amusement, signed their names to it. He had no doubt, that by such means as many as 100,000 signatures might have been obtained for any petition, however absurd the object of it might be. He had felt called upon to make the observations he had addressed to their Lordships, in order to relieve the people of Glasgow from the imputation of being supposed to desire the adoption of any measure tending to the separation of the Church from the State. It could not be supposed, that all the names affixed to the petition were those of persons qualified to judge of it. The number of the signatures was equal to the whole adult males in Glasgow, and he was sure, that their Lordships would not suppose, that the whole of the population of that great city entertained such opinions as were set forth in the petition. He would venture to assert, that the prayer of the petition was contrary to all the feelings, all the desires, which the great body of the people of that city entertained for the Established Church of Scotland. He believed, that many persons had signed the petition without knowing what they had signed, and also the names of many persons were affixed to it, not members of the Church of Scotland, and not wishing that that Church might be separated from the State, but who wished to promote the ruin of all Churches. He trusted, that their Lordships would bear this in mind, when they came to consider the grievances of which Dissenters complained, and he sincerely hoped, that their Lordships would remove all those which justly could be considered grievances. At the same time, however disposed their Lordships might feel to make such concessions, they should take care not to yield to the clamour of those who declared, that it was their wish and intention to destroy those sacred institutions which it was the duty of their Lordships to support.

The *Lord Chancellor* observed, that the petition he had presented from Glasgow was signed by 48,600 names. He did not believe, that any great portion of the names affixed to it were of the nature described by his noble friend, although it was very probable, that some of the signatures were those of boys, and some had signed their names more than once to it with a view to give increased weight to it from great numbers. This latter circumstance, however, was incidental to petitions having many signatures. He had reason to believe, that the persons who had signed the requisition for the meeting, had used great care so as to prevent such proceedings as had been alluded to by the noble Earl, as they had gone round with the petition. The persons in question were 252 in number, and were most respectable Gentlemen. But even if he admitted, that such things had been done as were stated by his noble friend, and if he deducted in consequence the 8,600, which was certainly more than could be excepted, against them there would still remain 40,000 signatures. He was given to understand, that the petition did not come merely from Glasgow; but from that city and its vicinity, namely, Glasgow and six or nine miles round, which would give an abundant population, and he need hardly say, that it was a very religious part of the country.

The Bishop of *London* said, that the city of Glasgow and its vicinity, showed the advantages that those places with an Established Church had over other places where there was no Establishment. The Establishment at Glasgow, however, was very limited in comparison with the population. . There was, however, a man at Glasgow connected with the Established Church of Scotland, who had effected greater moral, and he hoped, that he might be able to add political, good in that place than any individual of his day. He need hardly say, that he alluded to Dr. Chalmers. There was in the neighbourhood of that place between 50,000 and 60,000 persons for which the clergy of the Church of Scotland were exerting themselves to provide the means of religious worship; and he would ask, what had the Dissenters done for that purpose? The clergy by their exertions had already raised 12,000*l.*, and they relied upon raising 40,000*l.*, with which they intended to endow the churches they were erecting.

The Petition laid on the Table.

WARWICK BOROUGH—CONTEMPT OF THE HOUSE.] Their Lordships proceeded to the examination of witnesses in support of this Bill.

The Messenger of their Lordships' House, who had been sent down to Warwick to serve the witnesses, suspected to be kept out of the way, was examined as to the service of the summonses to appear issued by their Lordships. He again stated, that he called at Mr. Oram's house to serve him, but could not obtain an interview. He called again on him, after making an appointment to meet him, but he was from home. Witness left the summons. He, nearly in the same way, and in the same words, detailed his attempts to serve Lapworth, Trepas, and Dingley, but that they were ineffectual.

The Earl of *Durham* said, that after what had transpired, he felt authorised to move, that the Lord Chancellor do issue his warrant to apprehend these persons so absenting themselves, as guilty of a contempt. He had no doubt they had voluntarily absented themselves. They had in the same way absconded, when the inquiry was instituted in the Commons upon the Warwick election; at which election it had been proved, they had accepted bribes. With the conviction, that this proceeding would bring forward these defaulters, he moved that they be taken into the custody of the Serjeant-at-Arms.

The Duke of *Wellington* was of opinion, that the cases made out against these parties would not justify, as yet, their being proceeded against for contempt.

The *Lord Chancellor* remarked, that as to two of these persons, there was no evidence whatever on which to found their apprehension. As to Oram, he should recommend that if Oram did not appear by Thursday or Friday, then he should be considered guilty of a contempt, and taken into custody of the Serjeant-at-Arms. Perhaps the same course might, with safety, be pursued as to another of these parties—Dingley.

The Motion of the Earl of Durham was negatived.

It was suggested by the Lord Chancellor, that notices should be served at the houses of Dingley and Oram, that their presence would be required at the Bar of the House on Friday, and that the service at the houses of Trepas and Lapworth should be good after the expiration of ten days.

This suggestion was adopted.

HOUSE OF COMMONS,

Monday, May 12, 1834.

Minutes.] Petitions presented. By Mr. Philpotts, from the Debtors Confined in the Fleet Prison, for Abolishing Imprisonment for Debt.—By Mr. Townley, from several Places, in favour of the Lord's Day Observance Bill.—By Messrs. Finch and Maxwell, from several Places,—for the Better Observance of the Sabbath.—By Messrs. Hall, Scrope, and Fleetwood, from several Places, for Amending the Sale of Beer Act.—By Messrs. Lloyd and Potter, from the Retailers of Beer at Stockport and Leigh, to be put on the same footing as Licensed Victuallers.—By Messrs. Potter and Lloyd, from several Dissenting Congregations, for Relief to the Dissenters.—By Mr. Blackburn, from two Places, against Church Rates.—By Messrs. Kennedy and Jervis, from Finsbury, &c., for a Clause in the Justices of the Peace Bill.—By Sir D. Sandford, from the Schoolmasters of several Places in Scotland, for an increased Stipend.—By Messrs. O'Brien and Tooke, from Individuals in Government Offices, against the Pensions Civil Offices Bill.—By Colonel Leith Hay, from Inverary and Stonehouse, for an Inquiry into the Causes of the increase of Drunkenness.—By Sir D. Sandford, from Glasgow, Ayr, and other Places, for an Alteration in the present System of Church Patronage in Scotland.—By Lord Brudenell, from several Places, for Protection to the Church of England.—By Mr. Gladstone, from the Members of the two Universities, and others, against the Universities Admission Bill.—By Mr. Lloyd, from Stockport, for a Remission of the Sentence passed on the Dorchester Labourers.—By Mr. Methuen, from Troubridge, against the Poor Laws-Amendment Bill.—By Messrs. Pelham, P. B. Thompson and Townley, from several Places,—for Relief to the Agricultural Interest.

Christchurch (Surrey) Rectory.]—Sir Edward Knatchbull moved the second reading of the Christchurch (Surrey) Rectory Bill.

Mr. *Hall* opposed it, on the grounds that the Rector had not complied with the condition under which he had stipulated to fulfil the duties of the incumbency. The hon. Member concluded by moving as an Amendment, that the Bill be read a second time this day six months.

Major *Beauclerk* seconded the Amendment, and complained of this House being called on to make a rate upon the parishioners of Christchurch for the payment of the Rector, who did no duty in the parish, and who held other livings. He had heard that the rev. Gentleman was a most amiable and good man, but his objection to the rate-payers being obliged to contribute 400*l.* a-year to a pluralist was founded upon principle, and he trusted that this House would, upon the principle of right and justice, refuse to sanction this Bill.

Mr. *Hume* begged to state the ground upon which he objected to this Bill being supported by the House. Two years ago, the Archbishop of Canterbury introduced a Bill into the other House, which sanctioned pluralities. When the Bill came before this House, he (Mr. Hume) moved an Address to the King, praying the numbers and amount of pluralities should be laid before the House. The Returns had he called upon the House, in obedience to its own previous declaration, not to pass a Bill of this kind which sanctioned the principle of plurality. He knew nothing of the rev. gentleman in question. His opposition was to the principle of the Bill.

Lord *Darlington* considered pluralities the greatest abuse existing in the Church. He did not think the property of the Church too great if it were properly distributed, and one means of effecting a more proportionate distribution would be, to prevent any gentleman who already held a living or a stall of the value of 500*l.*, or upwards, to take any other benefice whatever. He opposed the present Bill.

Colonel *Davies* opposed the Bill, which, he said, if it were allowed to pass, would constitute a precedent to encourage any Rector, who was not content with his income, to apply to that House for power to compel his parishioners to pay him more, whether they were pleased with him or not.

Mr. *William Evans* opposed the Bill, but said he was certain the Church property was not more than sufficient for the purposes for which it was intended, if properly distributed; and, if a proper distribution did not soon take place, the destruction of the Established Church would be inevitable.

Mr. *Finch* believed the Bill was not properly understood by the House. All the Rector received, after the payment of his Curate, was about 112*l.* per annum, and he submitted to the House whether it was reasonable to suppose that the duties of the clergyman would be properly performed, in a parish containing 13,000 individuals, by only one Rector. He should give the Bill his support.

Mr. *Abercromby* was of opinion that nothing could be more injurious to the Church Establishment than compulsory payments to the clergy. The clergyman in the present instance had formerly received a large stipend from the voluntary contributions of the parishioners, so long as he resided in the parish. They had thought proper to discontinue that voluntary support on the ground of non-residence, and the House was now called upon to say whether it was willing to convert that voluntary payment into one that would be compulsory on the parishioners. In justice to the parish and the Church, the House ought to oppose such a measure. If the House should consent to permit a compulsory rate to be raised upon persons of all religious persuasions, it would be creating a source of evil and discontent, which would continue to increase in the minds of all persons who were compelled to pay the rate, and which it would be very difficult to heal.

Sir *Edward Knatchbull* wished to state what were the circumstances under which this Bill was proposed and objected to. The Rector had formerly received gratuities from the parishioners which were deemed by them necessary to enable him to provide for the discharge of the duties of the parish. The grounds upon which these gratuities had been withheld were, that the rev. gentleman had become a non-resident and a sinecurist. The facts of the first charge were, that the Rector lived six doors out of the boundary of the parish, and only four hundred yards from the parish church, and this was what was called non-residence. He was really surprised that any Gentleman in that House, knowing the facts, could allege non-residence against this clergyman as a ground of refusing the Bill. He was as much opposed as any man to non-residence and pluralities under the ordinary meaning of those terms; but he called upon the House to judge of the opposition to the Bill from this specimen, and he trusted that it would be passed. With regard to the charge of the Rector being a pluralist, he had accepted the living of Mitcham on the express condition that he should hold it only until another gentleman should be old enough to take it, and he resided there only during the three months of the year which the law allowed him to be absent from Christchurch, and when not there himself he provided for the performance of the duty. The friends of the Bill did not wish to interfere with any of the details of the arrangement between the rev. gentleman and his parishioners, but only to provide that a certain sum, which was no more than necessary for his maintenance in his proper station, should be supplied.

Mr. *Hawes* hoped the House would not pass the Bill. The case, he said, was exactly thus:—The parishioners, in an open vestry, where no excitement whatever prevailed, granted the Rector a certain sum per annum, a voluntary rate, to mark their esteem for his character, and their not yet been laid before the House, and appreciation of the manner in which he performed his functions. That grant had been withdrawn. For what reason? He was now an object of aversion to those very individuals who had before been amongst his best friends, and the foremost in granting the annuity. Why was that? There was no change in the parish or in the parishioners; the change which warranted such a revulsion of feeling was in the rev. gentleman himself. His non-residence in this parish was the real cause of it. It was not because he took another house without the bounds of the parish that his flock took umbrage at his conduct; but it was because he accepted another living, and left them to live among his new parishioners. It was said, that he lived three months in the year in Mitcham. Was that residence? The parishioners were wholly averse to enter into any compromise of the kind; they would have their clergyman among them the entire year, or not have him at all. However, he had no doubt that, if that rev. gentleman returned to the parish and lived among his flock in future, a provision equal, at least, to that which had been withheld, would be made for him. But, if the rev. gentleman supposed, as was the intention of the Bill, that he could make the voluntary grant of the inhabitants a compulsory payment, he was much mistaken, and would surely be defeated.

Mr. *Estcourt* could not understand why it was, that all this opposition on the part of the parish of Christchurch should exist to this just and proper claim of their Rector. One of the complaints of the parishioners was, that 150*l.* a-year was given by the Rector to his Curate. Why, the greatest complaint made in that House against the Clergy was, that they did not pay their Curates enough. And was this rev. Gentleman to be the subject of censure, because he was more liberal than other Rectors? Taking into account the deductions made from the salary of the rev. Rector of Christchurch, he would only have 290*l.* to maintain himself and his large family.

Mr. *Hill* was willing to bear testimony to the character of the rev. Gentleman who was concerned in this Bill. But that was not the question. The real question was, whether the House would give the Rector power to compel the parishioners to make up the deficiency of his income, if the legal payment were not sufficient for his maintenance? But he (Mr. Hill) would warn those who stood forward as the friends and supporters of the Church, not to push that principle too far. The main argument used against interference with tithes was, that tithes were property and not a tax. But, if the principle of this Bill was recognised, it would place tithes on the footing of a tax for services done—for the Bill went so far as to say, that if the tithes were not sufficient to pay the services of the Rector, then he should have a power to distrain the goods of one parishioner for the default of another.

Mr. *Aglionby* would not go into any calculations of what this Gentleman received from his two livings, and what he paid to his two curates; he objected to the Bill as bad in principle. He had received a letter stating, that this clergyman applied for the Bill for the sake of his family, and to support the Established Church. He should be sorry that his vote should deprive the applicant's family of any advantages they might derive from this Bill; but there were other parties who were entitled to the protection of that House who had also families to support—he meant the rate-payers, from whom it was proposed to take their property.

Mr. *Goulburn* said, that the true cause of the refusal to pay the rector the salary of 400 guineas a-year, was the discovery of its illegality; or, at least, that it was not competent to pay such a sum out of the parish rate. The present Bill was to provide a remedy for this. The gentleman had been unfairly dealt with, because, if an Act of Parliament had not unjustly passed, depriving him of the benefit of the provisions of Marshall's will, he would have the remuneration which his services deserved. If the sum legally devoted to the payment of the rector were to be continued, it would not be sufficient to support a gentleman. He, therefore, hoped the House would prevent non-residence by providing adequately for the rector.

Mr. *Hughes Hughes* wished to state the grounds on which he should support the second reading of the Bill. Having himself succeeded in obtaining the insertion of a clause in the Churches' Building Act of 1831, to prevent the holding of any new district church or chapel with any benefice having cure of souls, he could not be justly charged with being a friend to pluralities. He was equally opposed to non-residence; and it was for these very reasons that he was in favour of the present Bill. The parish had, in this case, compelled non-residence by making it requisite, that the rector, who had a family of eight children, should accept another living to enable him to support them; and he called upon the House to sanction a Bill which would render it unnecessary that the rector should be a pluralist, and by its enactments would make non-residence impossible. If the money bequeathed by the will of John Marshall to purchase lands of the value of 60*l.* a-year, with which he directed the church to be endowed, had been so applied by the Trustees, such lands would now be of the annual value of 1,000*l.*, and the rector would have had no need to apply to that House for relief.—Instead of which, the parishioners and the trustees applied to Parliament in 1738, and obtained powers to apply the trust funds in rebuilding the church, and making an additional church-yard, in consideration of raising for the rector 60*l.* a-year in money by a rate on the inhabitants. Sensible of the disadvantage under which the rector laboured in this respect, to meet his exigencies, and in testimony of the high sense entertained of his services in the parish, the vestry, for twenty years together, made him an annual grant, which, if it had been continued, would have rendered an application to Parliament unnecessary. The allowance of 400 guineas was made a serious question at Easter 1830, the year after the rector had accepted the living of Mitcham, but on a poll, it was carried by a majority of 397 against 83. In 1831, a poll took place, whether the allowance should be 300 or 200 guineas, and the larger allowance was carried by 392 against 56; and in 1832, the numbers polled for the allowance were 192 and against it only two. After this, could it be truly said, that the parishioners were hostile to their rector? far from it, and it would be strange indeed if they were so, after receiving twenty-five years of his laborious exertions, in the course of which his health had greatly suffered, he was compelled to resort to Parliament in consequence of its being illegal for the vestry to make the grant, which, in 1832, he was obliged to pay back, after he had received it. He knew no more of the rector than he gathered from the general acknowledgment of his excellence, but, having thus attempted to show the equity of his claim to assistance, and that the parish had recognised and ascertained the proper amount he should receive, he besought the House to allow the Bill to go into Committee, for which it was a most fit subject, and where, he had no doubt, an accommodation might be effected which would be satisfactory to both rector and parishioners.

Mr. *Pryme* condemned the proposition before the House as one of the most shameless attempts to violate private property by taxation he ever remembered.

The House divided on the second reading: Ayes 33; Noes 74—Majority 41.

Bill put off for six months.

List of the AYES.

Astley, Sir J. D.
Barnard, E. G.
Blackstone, W. S.
Browne, D.
Brudenell, Lord
Chapman, A.
Clayton, Sir W.
Dunlop, Captain
Finch, G.
Foley, E.
Freemantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gladstone, T.
Goulburn, Rt. hon. H.
Grimston, Viscount
Halcombe, J.
Halford, H.
Hanmer, Colonel
Hawkes, T.
Hughes, W. H.
Irton, S.
Lincoln, Earl of
Loch, J.
Maxwell, H.
Nicholl, J.
Palmer, R.
Reid, Sir J. R.
Ross, C.
Scott, Sir E. D.
Sinclair, G.
Smith, T. A.
Yorke, Captain

PAIRED OFF.

Chandos, Marq. of
Miles, W.

TELLERS.

Knatchbull, Sir E.
Estcourt, T. G. B.

List of the NOES.

Aglionby, H. A.
Benett, J.
Bish, T.
Blake, Sir F.
Blackburn, J.
Briggs, R.
Brotherton, J.
Childers, J.
Codrington, Sir E.
Crawford, W.
Curteis, H. B.
Curteis, E. B.
Darlington, Lord
Dillwyn, L. W.
Divett, E.
Dobbin, L.
Ellis, W.
Elliot, Capt.
Evans, Col.
Evans, W.
Evans, G.
Fenton, J.
Fleetwood, H.
Fort, J.
Folkes, Sir W.
Goring, H. D.
Guest, J. B.
Gully, J.
Harland, W. C.
Hallyburton, Hon. G.
Hawes, B.
Hill, M. D.
Hodges, J.
Hornby, E. G.
Howard, P. H.
Humphery, J.
Jervis, J.
Kennedy, J.
Lalor, P.
Lister, E. C.
Lloyd, H.
Marsland, T.

Methuen, P.
O'Brien, C.
O'Connor, Don
O'Dwyer, C.
Oswald, R. A.
Parrott, J.
Philips, M.
Philpotts, John
Potter, R.
Pryme, G.
Richards, J.
Rippon, C.
Roche, W.
Romilly, J.
Ruthven, E.
Ruthven, E. S.
Sandford, Sir D. K.
Scholefield, J.
Shawe, R. N.
Skipwith, Sir G.
Stanley, Hon. H. T.
Stanley, E. J.
Torrens, Col.
Turner, W.
Tynte, J. K.
Wallace, J.
Warburton, H.
Ward, H. G.
Wason, R.
Whalley, Sir S.
Williams, Col.
Wilmot, Sir J. E.
Vincent, Sir F.

TELLERS.

Beauclerk, Major
Hall, B.

PENSIONS (CIVIL OFFICES).] The House, on the Motion of Sir James Graham, resolved itself into Committee on the Pensions, Civil Offices, Bill. On the first clause being read,

Colonel *Davies* said, he approved of the general principles of the Bill, but he dissented from some of the clauses. The clause then under consideration entitled certain high officers of State, after two years' service, to a retiring pension of 2,000*l.* per year. In his opinion, it would be much better upon the clause in question, to pursue a middle course. The door should not be opened too widely, nor yet should it be completely shut, so as to exclude persons of moderate property. When the former Bill, granting pensions of 3,000*l.* a year, was introduced by the late Administration, it was opposed by the members of the present Government. He did not approve of the regulation by which a man possessed of 100*l.* a-year was obliged to serve ten years before he became entitled to any pension, whilst one of the Ministers, those mentioned in these clauses, had only to serve two years. He would propose an Amendment which he thought would place this part of the subject upon its proper basis. The hon. Member concluded by moving, as an Amendment to the clause under consideration, that it might be lawful for all persons filling any of the situations, either as First Lord of the Treasury, any of his Majesty's Secretaries of State, First Lord of the Admiralty, or President of the Board of Control, should, after a service of not less than five years, receive a pension of 1,000*l.* a year; and after a service of not less than ten years, a pension of 2,000*l.* a-year.

Sir *James Graham*, in opposing the Amendment of the hon. Member, thought it necessary to state the circumstances under which the present measure had originated. The measure on which the Bill under consideration was founded, grew out of the report of a Committee, of which Mr. Banks was chairman. The report of the Committee recommended the abolition of all those sinecures, or the immediate modification of them by which the service of the Minister had formerly been rewarded. In consideration of that sacrifice on the part of the Crown, by which it was deprived of the means of rewarding persons who might have rendered an efficient service, the report recommended that superannuations should, under certain circumstances, be granted. A number of offices were abolished, such as the Auditor of the Exchequer, Clerk of the Pells, &c., the emoluments of which amounted to 100,000*l.* In lieu of these means of rewarding persons who might have rendered service to the State, the House recommended, that pensions to the amount of 42,000*l.* a-year, should be placed at the disposal of Government. By that measure, then, 58,000*l.* a-year was saved. Out of the pensions, the predecessors of the present Government only granted in pensions 16,000*l.* a year, although entitled to grant 42,000*l.* A reduction of the pensions from 3,000*l.* to 2,000*l.* was proposed in the Bill before the House, and in his opinion the relative value of money now, compared with 1817, fully justified such a reduction. With respect to the principle of rewarding persons for public services, without reference to their personal circumstances, he (Sir J. Graham) thought it absolutely necessary to invest the Crown with such a power. As to the length of service which entitled any person to receive a pension, he thought the House would agree with him, that a pension ought to be bestowed after two years' service. Suppose a young man, after passing through his collegiate course with honour and academic distinction, and when just about entering upon professional pursuits, accepted a situation under Government. By devoting two years to the service of his country, he injured his professional prospects just as effectually as if he retained the situation for five years, and, in common justice, should be entitled to a pension. He would illustrate the proposition by a reference to the case of Mr. Perceval.

Would it be said that, when he left the King's Bench, and gave his services to the Government of his country, he did not, by retaining his situation for two years, blight his professional prospects as completely as though he had remained in office for five years. Upon these considerations, he (Sir James Graham) was disposed to adhere to the clause as it stood in the Bill.

The Committee divided on the Amendment—Ayes 30; Noes 93: Majority 63. Clause agreed to.

List of the AYES.

Barnard, E. G.
Bellew, R. M.
Brotherton, J.
Callaghan, D.
Codrington, Adm.
Fenton, J.
Fergusson, R. C.
Fitzgerald, T.
Fort, J.
Gaskell, D.
Gordon, R.
Guest, J. J.
Hudson, T.
Jervis, J.
Lister, B. L.
Lister, E. C.
O'Connell, D.
O'Connor D.
O'Dwyer, A. C.
Oswald, R. A.
Parrott, J.
Potter, R.
Ruthven, E. S.
Ruthven, E.
Tooke, W.
Turner, W.
Wason, R.
Whalley, Sir S.
Wilbraham, G.
Young, G. F.

TELLER.

Davies Colonel

The Clauses to the 10th agreed to.

On the 10th Clause being put, which states the amount of allowance to be on the principle of the Treasury minute of the 21st of June, 1831.

Sir *James Graham* stated, that it was to this clause that great objection had been made by the gentlemen employed in the public offices; and he certainly should not have brought it forward, unless he had thought it was consistent with public faith and honour, and with principles of just economy. He was disposed to be provident for the future, and to deal tenderly with the parties who were at present interested. This was a feeling which had been embraced in a subsequent measure of the late Chancellor of the Exchequer. A report then made enforced that principle which he held to be good—namely, to effect the greatest possible saving in the public service with the least possible injury to individuals. Acting on this principle, he had been most studious that there should be nothing in this Bill which should have a retrospective view; that those Gentlemen who had entered the service before the year 1829 should be dealt with according to the circumstances under which they entered the service. These were his principles of equity; and though he was a reformer and an economist, he would not wish to act upon any other principle. He was bound to say, that the public business could not have been carried on without the zealous co-operation of the clerks in the public offices; and he was equally bound to say, that since his Majesty's present Government had succeeded to office, they had experienced the most cordial assistance from them. The greater part of those gentlemen who were affected by these measures, were men who owed their appointments to the predecessors and opponents of the present Government. He might speak for himself (and he was satisfied he might also speak for his colleagues), when he said, that the alterations made would have been impossible to have been achieved without the warm, the faithful, and the exemplary co-operation of the clerks in all the public departments. They had never withheld from the Government any assistance which could be given. He was, therefore, anxious (and justice demanded the acknowledgment from him) to declare, that he entertained towards these gentlemen nothing but warm and grateful sentiments. Nothing had been done to stimulate them to exertion. They worked by day for a stipulated remuneration, and they gave that which money could not give, namely, their honest assistance in the faithful discharge of their duty. He begged to state thus much, as it was painful to him, that any thing should be supposed to induce him to act with injustice towards those gentlemen. There were two points to which those gentlemen objected; first, the clause which had just been put (the 10th clause), because it went to give a permanent effect to the Treasury minute of June 21, 1831; and secondly, to the 26th clause, which attached a per-centage, or reduction from a salary, on the promotion of a party. In an interview with the gentlemen interested, he had attended to all their arguments as applied against the Treasury minute of 1831, and he had introduced some modifications of the clause, though to the fixed principle of the Treasury minute he was disposed to adhere. Referring to the history of superannuations, the right hon. Baronet stated, that from 1782 to 1810, these superannuations were not recognised by Acts of Parliament; but those grants rested wholly on

Treasury minutes. In the year 1810, the Finance Committee sat, and reported that it was necessary to restrain the practice; and in 1810, the first Act respecting superannuation was introduced. In the year 1824, a Bill was introduced to repeal the Act of 1810, which had excited considerable dissatisfaction; and, in 1822, a reduction was made in the salaries which had been augmented during the war. Now the clerks argued, that inasmuch as their salaries were reduced by the Act of 1822, it was hard upon them to extend to them the principle of the Treasury minute of 1831. The Treasury minute stated distinctly the maximum of scale which should guide the arrangement. His Majesty's Government, acting upon the Report of the Committee of 1828, had followed out the principle then laid down, and had not attempted to affect persons who had entered the service prior to 1829. The Government had also said, on the principle of the Act of 1810, that, "in future, the maximum shall not be the general rule; but each case shall stand on its own merits." He proposed as an Amendment to this clause to omit the words, "had proved more than ordinarily meritorious, and," as he found they were considered to convey an invidious distinction. An objection was made to the tax on a graduated increase of salary; but he did not think it held good in respect to the case of a person being promoted. He did not see the hardship of paying a small tax of five per cent under such circumstances.

Mr. *Fowell Buxton* thought, that this Bill would entail a great hardship upon many old servants of the public. The only argument, or the only shadow of an argument, which had been referred to by the right hon. Baronet, was that in which he referred to the Act of 1810, when it was stated, a maximum was fixed in respect to the superannuations. He had no doubt, that the Act originally intended that persons should have the full benefit of the maximum stated, except in the cases of those who might have been disqualified. The gentlemen who were clerks in public offices had to complain of the constant changes which had been made in their prospects. Prior to 1810 it appeared that no system at all had prevailed. If, however, any had existed, it was, that they who had friends and patronage, got superannuations, and that they who had not, got none. In 1810, a certain scale of salary and superannuation was decided upon. In 1818 it was reversed, and the Act of 1818 was reversed to a considerable extent in 1822. This arrangement was again altered in 1823. In 1828 came out another plan, and then another in 1829, which was supposed to be a permanent Act, similar to that of 1822, except that it was not retrospective. But this was the least complaint made. All the clerks had to complain of injustice. All those who had entered the service after 1810, were under specific engagements to receive certain advantages, partly in the shape of salary, and partly in superannuation. He was told, that six out of seven clerks did not receive any superannuation, and that, of those receiving the superannuation allowance, the average amount was 90*l.* a-year. Previous to the Superannuation Act, the clerks in public departments raised a fund of their own, and in the Excise, it amounted to 73,000*l.*, in the Customs, to 254,000*l.* The Government then said, they would pay the money for superannuations. They took these sums of money, and applied them to the public fund. If, then, the Government pursued the course prescribed by this Bill, they ought, at least, to refund this money, which, at compound interest, would amount to nearly 800,000*l.* If they did not do this, they ought not to allow this Act to have a retrospective effect. If his right hon. friend did not consent to one of these things, he feared he should be under the necessity of dividing the Committee against him.

Mr. *Spring Rice* said, that concurring as he did, in all that had fallen from his right hon. friend, respecting the merits and services of these persons, he should be sorry to utter a single expression calculated to militate against their interests, or give a moment's pain to their feelings; but the plain question for the consideration of the House was this, "Is this Bill calculated to injure their just interests?" Before the introduction of this measure, the universal cry on the other side of the House was, the continuance of the dead weight of pensions; but no sooner was the Bill laid before the House than a storm of indignation was raised against it—["*No, no.*"] Hon. Members might cry, "No, no," but such was the fact; nor did he complain of it, he mentioned the matter historically. If the doctrine laid down by the hon. member for Weymouth, with regard to superannuations, were to hold good, so would it hold good with respect to the salaries of the same parties. That doctrine had certainly the merit of novelty to recommend it, for hitherto, if the salaries of public officers were found too high, they were reduced. He contended, that from the date of the Treasury minute of 1831, the course pursued with regard to superannuations had been in conformity to it. How then could they be accused of acting with injustice towards those parties? Had they acted otherwise, the House might call upon them to retrace their steps; but it would now be not only difficult, but unjust, to make a new rule for the year 1834, and to leave those who had been placed under the regulations up to 1831 as they stood. Such a proposal was too absurd to be entertained for a moment.

Mr. *Tooke* said, he wished to add to the clause:—"That this measure should have reference to officers and clerks who had entered the public service subsequent to the 4th of August, 1829." He wished this distinction to be drawn, as those persons who had entered this service before that period, were very differently placed from the others; as would be seen by a petition which he had that day presented to the House at its early sitting. From this, it was clear, that those clerks had entered into the public service with the understanding, or, at least, under the impression, that they should receive the then usual retired allowance, but now they found themselves mistaken. He had before said, that Government was bound to deal openly, candidly, and fairly, with those individuals, and not to introduce a retrospective measure affecting their interests. Such a proceeding was manifestly unjust. The parties affected by the proposed regulation, threw themselves upon the protection of the House from, and showed they had reason to complain of, a measure which had never been contemplated when they entered the service.

Colonel *Davies* totally differed from the course taken, both by the hon. member for Weymouth (Mr. Buxton), and the hon. member for Truro (Mr. Tooke), as to the construction put upon the Act of Parliament in question. In order to show the principle on which the Act of 1810 was founded, he would refer them to the Act of 1808, which was introduced for the purpose of doing away with abuses which still continued to burthen the country. There had been an annual increase in the amount of superannuations. Some of the allowances were granted most unreasonably and improperly. He found that there was a case where a gentleman of forty-two years of age, who had held the office of Inspector-General, had received a superannuation allowance of 580*l.*; another, who was called a retired Treasury Solicitor, received for thirty-one years' service an allowance of 1,200*l.* a-year; so that this gentleman must have been a solicitor at sixteen years of age. There were many other instances of the same description. The hon. member for Weymouth had stated, that these clerks had accumulated a large sum by their own contributions, which had been taken from them by Government, who provided the superannuations in lieu of it. But, if this were so, still they must be benefited, inasmuch as they could not obtain as much from the interest of that fund, as they would receive by receiving superannuations.

Mr. *Francis Baring* said, the question for the consideration of the Committee was, whether this Bill was a breach of contract with the parties opposing it?—and if the Committee would attend to him for only a few moments, he would undertake to show that it was not. Much stress was laid upon the words "not exceeding," but it was clear that those words were never meant to convey an impression that superannuations, up to that amount, were to be paid. The Act of 1810 was introduced to limit the discretion of Ministers, but it by no means bore the construction given to it by the hon. member for Weymouth. If they looked to the history of enactments generally, they would find, that no doubt could be entertained on the subject. Before 1810 the Treasury had in itself the full power and discretion of granting superannuated allowances, and it was to limit and confine that power, that the Act of 1810 was passed. The Act said, you shall not, in certain cases, go beyond such and such a sum, but it never said, or meant to say, "You must give that sum." On the contrary, the discretion of Government was left to go as much under it as all circumstances would justify. Before that Bill there had been a looseness in all Treasuries in granting pensions, and no sufficient checks were in existence to limit the discretion of the Treasury. Yet the Treasury did cut down offices where they were found to be too great; and they also curtailed superannuated allowances when it was found, that the parties were receiving similar allowances from other departments. He, therefore, called the attention of the Committee to the good principle, that of having a full inquiry into the merits of the parties of every case, and the circumstances under which the superannuation was allowed. He hoped the Treasury would always hold the right to this reward, as a security for the good conduct of the parties looking forward to it, as well as a check upon their remissness or misconduct. It was right that such parties should be aware that their conduct was watched from the first day of their entering the public service down to the day of their quitting it. Hon. Members acquainted with the nature of public office, would well understand the benefit to be derived to the public from a strict observance of this regulation.

Mr. *Aglionby* thought, that the hon. member for Weymouth had used two words of very different signification. He stated, that the parties in question depended on the "justice" and the "liberality" of the House. If they depended upon its justice the last speaker had put the question on its right footing; if they depended upon its liberality, then those who were continually calling for economy ought not to stand in its way when it was proposed unless a clear case of injustice were made out.

Mr. *Lloyd* said, that if he saw any general desire to carry economy into other departments of the Government, he should be more inclined to give Ministers credit for it in the present instance. But he regretted, that he did not perceive any such anxiety on their parts. He was sure that great injustice had been done to these parties. Their own fund had been seized upon —["*No*" "*no.*"] Surely it was their own fund, saved out of their own salaries?

Sir *James Graham* said, that the parties who objected to this Bill had not contributed one farthing to the fund.

Mr. *Lloyd* proceeded: Every person on entering office as a clerk or public officer contributed.

Lord *Althorp* said, that the whole of the money had been repaid.

Mr. *Lloyd* asked whether this was the case in the Customs?

Lord *Althorp* answered "Yes."

Mr. *Lloyd* said, he had understood differently. At all events, the universal understanding was, that proper superannuated allowances were to be given to these parties. He had himself had to lay before the Treasury a case of severe and unmerited hardship. It was that of a gentleman who had held an office of 600*l.* a-year, and who, on being superannuated, was allowed no more than 66*l.* a-year, merely because he happened to be just under the stipulated age. If Ministers had supported the Pension-list on the ground of "usage," and "practice," they ought *a fortiori* to support the cause of the poor clerks on the same ground.

Mr. *Vernon Smith* defended the measure, and contended, that no injustice could be sustained by any party from its operation. However highly he valued the service of these clerks, and he would say that their services had been most valuable, still he thought that they were not inadequately paid. They were much better paid than clerks in mercantile establishments.

Major *Beauclerk* thought, that the clerks were rather hardly dealt with. He saw opposite more than one right hon. Member who might retire upon a pension of 2,000*l.* a-year after two years' service: now, if it were proposed to reduce that pension to 1,000*l.* a-year, the saving would be worth considering, and he should like to see it made; but the retired allowances of these clerks ought not to be less than they were led to expect in entering the public service.

The 10th Clause with Amendments was agreed to.

Upon Clause 26 being proposed,

Lord *Dudley Stuart* could not permit this Clause to pass without a few observations. He gave credit to his right hon. friend (Sir James Graham) for his services in the cause of his country; but he objected to the Clause, as it would have an *ex-post-facto* and, therefore, an unjust effect. It would be very hard upon persons who had served for many years, that they should now be mulcted to an extent to which they had never been willing parties. He held that an implied contract should never be violated. We should be bound by equity and honour in our conduct to officers appointed before the passing of this Act. He would move that all the words after the words "per cent," in this Clause should be omitted.

Sir *James Graham* said, that the Amendment would exclude persons who entered office before 1829, as well as since. In fact, the Amendment would go farther than the noble Lord really intended. He could assure the House that great pains were taken by him before he brought forward the system of reduction, and he could also say, that the services of valuable servants had been especially attended to. He would not touch upon either express or implied contracts, indeed, on the contrary, he would religiously observe them. He did not believe, that one of either class was infringed on by the Bill.

Sir *Henry Hardinge* would be glad to learn what would be the amount of the saving made to the public by the operation of this clause. If it were one which pressed but lightly on the clerks, it could not effect any important saving to the public; but if the saving were of large amount, it might press with severity on the clerks. He thought it would be dealing more fairly with them to alter the Clause, so that it should not have any retrospective effect. He would press this the more urgently on the right hon. Baronet and on the Committee as it was well known that, owing to the great reduction in the number of clerks in most of the public offices, the chances of promotion were greatly diminished. In the office which he had held, there were, during the war, near 170 clerks. They had since been reduced to sixty; and, in the Ordnance department, the reductions had been in the same proportion.

Sir *Robert Peel* took the same view of the case as his right hon. and gallant friend near him. It was quite clear that those clerks who had been appointed since 1829 must submit to any minute regulating their salaries which might be made by the Treasury or Admiralty; but the same rule did not, in his opinion, apply to those who had been appointed before that. Suppose a young man of good character, education, and abilities, had been appointed before 1829, at a salary of 95*l.* a-year. It might be four or five years before he got a step in his office, and then it made his salary only 105*l.* a-year. Now, would it not be hard on such a man to say, that he must contribute as much to the superannuation fund as one who had come in since 1829 with a certain knowledge that his salary was to be subject to the deduction. In forwarding their own principle, they ought to make their rule apply to those only who entered the service since 1829. There was also another point to which he wished to call the attention of his Majesty's Ministers. Supposing a gentleman to hold an office of 500*l.* a-year, and to get another instead of it of 550*l.* a-year, that was not so much a promotion as a transfer. They ought therefore to insert the words "or transfer" in this Clause, if they wished to carry their own principle into effect.

Sir *James Graham* contended, that there was no such thing as an absolute right to promotion. He agreed with the right hon. Baronet opposite that the result of the late reductions had practically proved a great stop to promotions; and he likewise concurred in the meed of approbation which he had bestowed upon the excellent spirit and conduct which were displayed by the clerks in the public offices. If anything were to damp their zeal, the injury which would be inflicted thereby on the public service would not be compensated by the gain derived from any pecuniary reduction in their salaries and emoluments. In accordance with the suggestions made by the right hon. Baronet, he should propose an Amendment to this Clause exempting from its operation all persons appointed since the order of the 8th of February, 1822.

Sir *Robert Peel* was much gratified by this declaration, as it evinced a desire on the part of the right hon. Baronet to meet the fair claims of those who were engaged in the public service.

The Clause, with Amendments, was agreed to. The remainder of the Bill was agreed to, and the House resumed.

Central Criminal Courts Bill.] The *Solicitor-General* rose, to move the second reading of the Central Criminal Courts' Bill. He did not anticipate there would be any objection to allowing the Bill to be read a second time; and he should content himself by simply stating, that one great object of the Bill was, to increase the number of Sessions held in the year. Formerly, they used to be eight, but henceforward it was proposed there should be twelve; and by this regulation, punishment would almost immediately follow the commission of crime, and the gaols would not be so densely crowded as at present.

Mr. *Godson* had great pleasure in seconding the Motion of the hon. and learned Gentleman; and he should take the opportunity of observing, that he would move in Committee, that stealing from the person, embezzlement, and a second conviction, be added to the offences contemplated by the Bill.

Mr. *Hughes Hughes* rose to inquire of the hon. and learned Gentleman (the Solicitor-General), why the Chief Judge and the two other Judges in Bankruptcy were among the Judges of the proposed Court appointed by the Bill? Considerable surprise had been expressed in the City of London on the appearance of those learned persons in the Bill, who seemed to have no natural connexion with a Criminal Court. He would take this opportunity of giving notice of his intention, in the Committee on the Bill, to move, that the parishes of Bromley and Beckenham, in the county of Kent, be comprised within the limits of the proposed Court; and the insertion of words in clause 17th, saving the rights and privileges of the Sheriffs of the City of London, and Sheriff of the county of Middlesex: also a clause to provide, that all and singular the enactments, persons, and authorities, made and given in and by the Act of George 4th, cap. 48, "for enabling Courts to abstain from pronouncing sentence of death on certain capital felonies," shall be deemed to extend, and shall extend, to the proposed Court.

The *Solicitor General* said, that the reason why the three Judges in Bankruptcy were named in the Bill was, that in the absence of the Judges on circuit their assistance might be necessary to enable the Court to sit.

The Bill was read a second time.

GRAND JURIES. OATHS (IRELAND).] Colonel *Verner* said, in moving for the second reading of this Bill, he begged to assure the House, that he was actuated by no feeling, but a desire to discharge what he held to be a public duty. He should, therefore, as briefly as possible, state to the House the objections attending the present system of swearing witnesses in Court, and the advantages which would, in his humble judgment, be derived from the change which he proposed to make. Formerly it was the practice, in most counties in Ireland—in itself bad and contrary to law—for Grand Juries to find bills of indictment upon the informations previously taken, and which were usually sent up with the bills—and without a *vivâ voce* examination. To provide against this practice, an Act was passed in the 56th George 3rd, requiring, that bills should only be found upon the production and examination of the witnesses in person before the Grand Jury. This Act directed, that the witnesses should be sworn in Court, and their names indorsed on the back of the bills, to which the Clerk of the Crown was to attach his signature or initials, and left it discretionary with the Court to send up the informations; but provided that they were not to be evidence in support of the Bill. The object of sending the informations so before the Grand Jury, was to enable the Jurors to compare the evidence of the witness with what he had previously sworn, in order that, should it appear that he was swearing falsely, proceedings might be instituted against him for perjury. The proposed Act would not interfere with the very useful provisions of the Act to which he had alluded. It was merely intended to obviate certain inconveniences, and to bring the obligation, under which the witness deposed, more immediately before his mind. At present the administration of the Oath took place under circumstances disadvantageous to solemnity, and to the furtherance of the ends of justice. The Clerk of the Crown, upon the first day of the Assizes, calls over the names of all prosecutors. In some counties these amount to several hundreds, and many hours are consumed in calling the names. As the Assizes advance, the witnesses are from time to time called, and sworn in batches of five, six, or seven, as the case may be, amidst the noise and confusion consequent upon such a proceeding; the Oath pronounced as rapidly as possible, and the witness understanding imperfectly, if at all, the nature of the obligation he has just taken. The witnesses are then ordered to attend before the Grand Jury; and it often happens, that two or three, and in large counties such as Cork, eight or ten, days elapse between the administration of the Oath, and the evidence given under its sanction. It must be obvious to every person in the habit of attending Assizes in Ireland, either as a Magistrate or a Grand Juror, how great must be the difficulty to impress upon the mind of the witness, that the evidence he is giving before the Jury is under the solemn sanction of the Oath administered to him eight or ten days before in the Court. But there were other considerations of equal, if not greater, importance to the ends of justice. In the interval between swearing the witnesses in Court, and giving their evidence before the Grand Jury, the friends of the prisoners, having ascertained, from their appearing in Court to be sworn, who the persons are who are to give evidence upon the trial, resort to all kinds of threats, intimidation, and bribery, to induce the witnesses not to give direct evidence, and not seldom with effect. Unable to resist, the witness either swears before the Grand Jury in opposition to what he has previously sworn before the Magistrate; or, when he comes upon the table, finds himself unable to identify the person, of whose identity, until that moment, he had never entertained a doubt; and it sometimes happens, that when all their efforts have failed, the witnesses are by force carried off, and the prisoner discharged for want of a prosecution. This Bill may properly be considered as forming a part of the Bill of the right hon. Secretary for Ireland, which was now about to come into operation. The fiscal duties being now separated from the other duties which Grand Juries have to discharge, no reasonable complaint can be made of the additional labour imposed upon them. The right hon. Secretary had informed the House, that he had been instructed by the Law Officers of the Crown to oppose this Bill, and that they have assigned as a reason the difficulty which would attend the being able to identify the witnesses in case it should be necessary to proceed against them for perjury. Now, with every respect for the opinion of the Law Officers of the Crown in Ireland (he presumed the right hon. Gentleman meant the Attorney and Solicitor-General), he could not help saying, that without going out of that House, he thought the right hon. Gentleman could have found better authority, because, until appointed to the offices which they now held, neither of these Gentlemen were in the habit of going circuit or attending Assizes. He regretted the absence of the hon. and learned Serjeant, and the member for Monaghan; he regretted it doubly, because it proceeded from indisposition. Were that hon. Member present, he would have explained much more fully and satisfactorily than he (Colonel Verner) was capable of doing, the advantages which would be derived from the change he proposed; being so convinced of its necessity, that he told him (Colonel Verner), he had intended proposing, during the last Session, a clause to be added to the Grand Jury Bill to this effect; and he believed it would be admitted, that that hon. Member's experience on this subject was fully as good, if not better, than that of the Law Officers of the Crown. In reply to the opinions of those Gentlemen, as stated by the right hon. Secretary, with regard to the greater difficulty of proving the identity of the witnesses in case of perjury, he should beg permission to read a few words from a Letter he received within these few days, from as high legal authority as any in Ireland; they were thus:—"Your Bill will greatly facilitate prosecutions for perjury; indeed, under the present system, I know not how such a prosecution can be maintained against a witness who has gone back of, as the phrase is, or, when before the Grand Jury, contradicts his sworn informations. Who is there that can prove that the witness has been sworn to give evidence before the Grand Jury? Is it the Judge? It is not pretended that he can take notice of the individuals who are sworn. Is it the Clerk of the Crown? Quite impossible under the present system when they are sworn in groups, and amidst such confusion, whereas in the method which you propose, it is much more than probable, that the foreman or other Grand Juror, who calmly in the Jury-room administers the Oath to the witnesses one by one, would be able to prove, that he had been sworn." He could assure the House, that he had not undertaken the bringing in of this Bill without consulting those whose knowledge and experience enabled them to form an accurate judgment upon it, and he was happy to say, he had the approbation of every individual to whom he had spoken, from the Bench down. Upon the present occasion, he looked upon Magistrates and Grand Jurors as no incompetent judges, and he believed it would be found, that they were unusually favourable to the adoption of the plan he had recommended. In reply to the observation of the hon. and learned Member (the Solicitor-General), he had only to say, that he did not for a moment doubt that hon. and learned Member's judgment with regard to the best system to be adopted in this country; but with regard to the practice best calculated for Ireland, he could not yield the opinions of those, under whose direction he proposed this Bill, even to those of that hon. and learned Gentleman. When he brought the measure before the House, he did not calculate upon the possibility of its meeting with any opposition; however, after the declaration of the right hon. Secretary, he should not put the House to the inconvenience of a division, but beg leave to withdraw it.

Mr. *Shaw* thought it would be a very ungracious course to pursue, if the Government should throw out the Bill in its present stage. If it were read a second time, the House would have another opportunity of taking the discussion, which it was then too late an hour to enter upon, and of distinctly understanding the nature of its provisions. As at present advised, he was inclined to think that an oath would be administered under circumstances of greater sanctity and solemnity, under the provisions of the Bill, than by the present practice; but still he should be unwilling to make any hasty change in a matter of this important nature against the opinions of those authorities to which the right hon. Gentleman, the Secretary for Ireland, had alluded. He hoped, however, that he would consent to let the question stand over.

Mr. *Godson* was opposed to the introduction of a principle into Ireland, for which there was no precedent in England.

Mr. *O'Reilly* said, he entertained a very strong objection to the present system, because it gave Grand Juries in Ireland an opportunity of finding just what bills they pleased. That it had that tendency he must repeat; and if it were not then so late, he would undertake to prove the assertion.

Colonel *Perceval* said, that, the observations of the hon. Member who had just sat down, as well as the tone and manner in which they were uttered, could not be permitted to pass unnoticed. He presumed that these observations came from a gentleman who had been used to sit on Grand Juries. If so, he could only say, that the hon. Member must have belonged to Grand Juries of a description such as he never had the honour of meeting with. He most solemnly declared, in the presence of the House, that he never knew a Grand Jury find bills as their fancy might dictate; nor did he believe, that any Grand Jury in Ireland pursued any but a conscientious, and honourable, and straightforward course. He did not agree in the objection taken by the hon. Member below him, because, in the event of a prosecution for perjury, Grand Jurors are authorized to give evidence in a court of justice of what occurred in a Grand Jury-room, and thus the oath of secrecy which a Grand Juror takes, does not disqualify him from being a witness. There could not be much regard paid to the sanctity of an oath, administered as it was under the present system. A man was sworn in an angle of the court by the Crier, amidst the noise of the Court, when not a single word could be heard. By the Bill of his hon. friend, the Foreman and twelve members of the Grand Jury would, in every case, necessarily be present, one of whom, being a magistrate, would be qualified to swear the witnesses; and he confessed, under these circumstances, he thought the Bill would be an improvement on the present system.

The *Solicitor General* objected to the principle of the measure, and said, he should oppose its further progress. Much business was done by Grand Juries in England, but it was never impeded by the form of their oath. This measure would introduce another discrepancy into the laws of the two countries, while the object generally contemplated was to assimilate them.

Bill to be read a second time that day six months.

HOUSE OF LORDS,

Tuesday, May 13, 1834.

MINUTES.] Bills. Read a second time:—Court of Chancery (Ireland).

Petitions presented. By Earl BROWNLOW, from Grantham, for Protection to the Established Church.—By the Duke of GLOUCESTER, from former Members of the Universities, against the Admission of Dissenters; and from Faulkbourne, against the Claims of the Dissenters.

AGRICULTURAL DISTRESS.] The Earl of *Coventry* said, he was intrusted with a petition from the county of Worcester, most numerously signed by 3,200 persons, complaining of agricultural distress, and praying for relief. None of the junior branches of families were included amongst the signatures. The petitioners were all individuals practising agricultural pursuits. As to the payment of rent, so far as he was concerned, he had no cause to complain; but he understood some of those payments were made out of capital, which he thought was a very hard measure, as it affected people who were willing to work, and who ought to be enabled to support themselves by the fair profit of their labour. It was said, that the present distress was in a great measure occasioned by the change in the currency. He did not understand that subject, and therefore he had not grappled with it; but he had seen the opinions of others with respect to it, and those opinions he would be ready to state to their Lordships when any proposition on the subject of agricultural distress was brought before the House. He thought, that it could do no harm to entertain that question; but, on the contrary, if it were deemed worthy of consideration, that the investigation might do much good. He believed there was not one of their Lordships who did not feel anxious for the prosperity of the agricultural interest, and, in touching upon this question, he had not the least idea of embarrassing his Majesty's Government; more especially as a noble Lord in the other House had admitted, that agricultural distress did exist, and expressed a strong desire to grant every possible relief. He presented the petition purely and simply as it had been put into his hand; agreeing with the petitioners, that, if even no relief were granted, the subject was one which deserved their Lordships' first consideration.

ENTAILS (SCOTLAND).] The Earl of *Roseberry*, in moving the second reading of these Bills, observed, that the importance of the subject would at once be seen, when it was considered, that in one sense, they would affect the whole landed property of that country; and the difficulty of it was apparent by his reminding the House, that no satisfactory Act had yet been passed as to these entails, and that, although for the last six years, measures respecting them in the shape of Bills, had been before the House of Commons, no successful result had attended them. He had availed himself of this interval to reconsider the opinions he had formed, and which he had delivered in the Select Committee of the Commons, to collect the sentiments of those most conversant with, or interested in, the question in Scotland, and to endeavour to discover the views which would be taken by the House, were the matter fairly brought before them; and he had framed the Bills conformably to these reflections and inquiries. To any one who had looked into the subject, it would be seen, that it naturally divided itself into two heads, distinct in some important respects, requiring a separate consideration, and a different treatment, and therefore calling for the measure being embodied into two Bills; for although the objections to perpetual entails applied to those in being as well as those to be executed hereafter, yet as private rights of great importance were involved in the former, which ought to be held inviolate, a different corrective became necessary for them. The evils of these perpetuities had always been thought numerous and great. They were a constant impediment to the full improvement of the soil; they impoverished and depressed families whom it was their professed object to support and preserve; and they interfered with that interchange of land, which was not only injurious to the community, but hostile to one of the objects of a power to entail, that of gratifying the ambition to form families, besides depriving persons of the means, for centuries together, of making changes conformable to the varying circumstances of events. It was deserving of remark, that the Act of 1685, the basis of this system, was not passed so much to encourage a landed aristocracy, as indirectly to defeat the law of forfeiture, so much dreaded at that period, and it had continued for 150 years in force, not only after all fears of the kind had ceased, but when, by a British statute, the cruel doctrine of corruption of blood in high treason, had been transferred to Scotland. From whatever cause, however, it originated, the effect had been to lock up in strict entail, vast masses of property in that country, a quantity progressively increasing, and which, unless speedily checked, must absorb the greater share of it to the manifest obstruction of its enterprise and industry. He had procured two authentic returns, one of the valued rent of fifteen counties, by which ten appeared to have a larger proportion of entailed than of unentailed property, the other of the number and proportion of entails recorded, by which, it was shown, that between 1805 and 1828, 115 more deeds were made than the largest number in any corresponding period. But besides these facts and remarks, the House should recollect the change which the law had undergone since the judgment on the Queensberry cause—that, prior to that decision, an heir could do whatever he was not actually prohibited from by the entail; that he could consequently grant leases of any duration, or for any rent, and even take entry money; that all these relaxations are overturned, and that the rigours of entails being thus increased, their bad effects, both to individuals and the country, are greatly augmented. It was in order to prevent their future increase, that the Bill to regulate the entailing of land was presented, and it was to mitigate the severity of existing entails on individuals, by means which became an instrument of greatly counteracting their mischievous tendency on the public, without violating any sound principle, or infringing any private right, that he earnestly recommended the other. The House would recollect, that Parliament had frequently interposed, and, in defiance of the restrictions imposed by entailers, of its own authority over-ruled them, in order to assist the owners of these estates, or to serve the public. On two separate occasions, it had more particularly evinced its sense of the evils of this system, by passing first the Montgomery Act, and, in 1824, the Aberdeen Act; but, unfortunately, these were found ineffectual to their purposes, frequently increasing the mischiefs they were intended to avert, and sometimes originating others growing out of themselves, none of which, he believed, would be effectually removed, or met, but by the additional powers he proposed to grant. After detailing the various objections to which these statutes were found liable, the noble Earl said, that it was to counteract these defects, and to surmount these difficulties, that the power was given by one of the Bills to borrow, by heritable bond, with an alternative to sell to a certain extent; this permission being founded on the safe and rational, as well as common principle introduced into family settlements, that where a right of change is given, a power of sale, to liquidate a part at least of it, ought to be also conferred. He pointed out some of the most prominent advantages which would arise from agreeing to the principle, and adopting the leading enactments of these Bills—the increasing improvement of the country—the additional stimulus to acquire land, and the power to purchase it—and the rearing that most valuable class, a yeomanry, or body of small proprietors, now too scarce in Scotland, but most desirable to foster and encourage. After noticing, that probably in defence of entails would be urged the improved condition of such estates, and that, notwithstanding the amount of them, there was abundance of land in the market, he affirmed that much more improvement would have taken place under a more liberal law, and that the quantity of land now on sale, which, however, did not prevent a great local want of it, was a most powerful reason for passing one of these Bills, in order to prevent additional evil by those great estates passing into hands who might entail them in perpetuity. He concluded by stating, that he had no private object to gain by these measures—that he should never take advantage of their provisions, and that, therefore, if his opinions were erroneous, they were, at all events, exempt from all the bias or partiality which self-interest might inspire; and this, he trusted, of itself, would make an impression on the House, favourable to these Bills.

The Earl of *Mansfield* rose to oppose the second reading of the Bill. He thought the better course for the noble Earl to have adopted would have been to propose that both Bills should be referred to a Select Committee, and given the preference, in the order of procedure, to that which related to the law as it affected future entails. [The Earl of Rosebery was understood to say, that he would have no objection to adopt that course.] But even in that case he (the Earl of Mansfield) would have objected to the second reading because it might hereafter be inferred, that their Lordships were favourable to the principle of the measure. It was true that objections to the present law of entail did exist in the minds of some persons, and that several petitions had been presented to their Lordships to do away with the existing law on the subject; but he denied, that the law was generally felt to be a grievance, and he trusted their Lordships would not repeal the present law with indecent haste, to remedy a grievance which was not general. He was sorry to differ from the noble Earl, but such was his strong opinion on this Bill that he could not even agree to the second reading. As to going at all to a Select Committee with the present Bill, he was opposed to that, for their Lordships were fully competent in the present stage to decide whether sufficient grounds had been laid for disturbing or altering laws which had existed for centuries. He was against referring those Bills to a Select Committee. It did not appear to him, that the law, as it at present existed in Scotland, had been the subject of general or just complaint, and he thought that they ought to proceed with the greatest caution in the abrogation of laws that had been in force for centuries. They should not repeal such laws without having the strongest proofs of their inutility, their inefficiency, or their mischievous tendency brought before them. He thought it, therefore, his duty to move as an Amendment, that the Bill be read this day six months.

The Duke of *Hamilton* said, that agreeing as he did in every word that fell from the noble Earl who last spoke, he should consider it his duty to negative the proposition of the noble Earl behind him in its present stage. He denied that the Law of Entail as established by the Act of 1685, was the subject of complaint. The fact was, that the complaints in Scotland were in consequence of the alterations made in that law. The noble Earl had stated the number of Entails on the Register of Entails, as showing the extent to which land was tied up by the present law, but he (the Duke of Hamilton) contended, that the register was no criterion to judge by, inasmuch as every deed which tied up lands for a temporary purpose was registered as well as all real and effectual entails. He was decidedly opposed to the present Bill, as it would disturb the fundamental principles on which the law of property in Scotland was founded, as settled by the Act of 1685. That was an Act which had long been considered the fixed and settled law of the country; and if it were now unsettled, no law, or no principle in our Constitution, could in future be considered fixed or sacred. If there was any law in which there should be no positive change, it was this, which had so long been considered the fixed law on which the property of Scotland was held. This law had not only been carried down from their ancestors, and had been the means of preserving their estates through all the troubles which shook the country, but, by the Act of Union, it had been sanctioned and confirmed. Without giving any opinion as to whether the law, as established by the Act of 1685, was good or bad, he would say, that he preferred it to the Bill which the noble Earl proposed as a substitute. What did the noble Earl propose by this Bill? He proposed to repeal the Act of 1685, and, without reference to existing interests, or of those interests which might hereafter exist, to introduce the most comprehensive and absolute system of spoliation, and that in the face of the law as at present established. He proposed, in order to relieve the present heir of entail, to give to the person in possession a facility in disposing of one-fourth of his estate, in defiance of the interests of all the future expectants under the entail. In adopting the noble Earl's plan, they would be legislating as if there was but one party and one interest—that of the heir in possession—to be considered, and as if the interests of the substitutes were to go for nothing. He considered the measure as a mere endeavour to assimilate the law of property in Scotland to that in England, which could never be done, since the principles of the two laws were essentially different. He would only add, that if this Bill passed into a law, it might be considered that there was an end to all property and vested interests, as all persons connected with, or having an interest in property, might be deprived of their rights by a change in the law such as was now proposed by the noble Earl.

The *Lord Chancellor* said, that he merely rose to state, that though he could not agree with the noble Duke in the opinions he had stated, yet, in voting for the second reading of the noble Earl's Bill, he did so, not as agreeing to its details, but merely for the purpose of having it referred for further consideration and further discussion to a Select Committee up stairs. This was a most important measure, and its merits ought to be more fully discussed and considered than it was possible to do otherwise than by referring it to a Select Committee, and he therefore thought that the noble Earl was quite right in adopting that course of proceeding. He could not agree with the noble Duke in his opinion regarding the Statute of 1685. The noble Duke seemed to consider it as the Magna Charta of property in Scotland, and would seem rather inclined to extend its operation instead of restricting; nay more, he seemed, by a species of argument which could only occur to the noble Duke's ingenious mind to come to the conclusion, that it was the nature of property to be entailed. Though he differed in his opinion from the noble Duke, he also differed from those who said, that there ought to be no entails. His opinion was, that to a certain degree, and within reasonable bounds, entails were not only useful, but highly beneficial in the present state of society. This was his opinion, which coincided, he believed, with the general feelings of the country. Having left both extremes—not agreeing either with those who said, that there should be no entails at all, nor with those who said that entails should be unlimited and in perpetuity—men's minds seemed generally to have settled into the opinion that the Law of Entail in Scotland could not be better regulated than it was under the English law. But let the noble Duke not be alarmed, for it was not the intention of his noble friend to propose the introduction of the English law into Scotland. No such idea had ever entered his head. However different the laws of property in both countries were now, they originally were the same, or nearly so. It was doubtful in fact, which was the original—whether the foundation of the law was to be found in Scotland, or in the oldest book on English law on the subject. It was now, however, thought, that the English law was the oldest. But however that might be, the two laws were now totally distinct. The principles on which the laws of the two countries were founded and the machinery by which they were applied, were so different, that it was impossible they could ever be assimilated. It never, therefore, entered the consideration of any man of sound mind—and certainly never was intended by his noble friend—to make the attempt. In any changes which might be made in the law as it at present stood, he should wish them to be founded on the principle of guarding the interests both of the heir in possession, and of those who might have a remote and contingent interest. He would, however, say, that he could not feel the same anxiety about the interests of those who might hope to succeed some five hundred generations after this, as for those who had a more immediate interest. As for the Act of 1685, it was not originally intended for the purposes to which it was at present put. It was originally intended to prevent forfeitures, which at that time were very frequent; and it was not for some time afterwards that it was turned to the purpose of securing property for ever in families. It was monstrous to think that a person, by signing a sheet of paper before two witnesses, might lock up land to any amount for ten thousand generations, or as the Scotch law has it, "As long as grass grows and rain falls," leaving no remedy for his rash act, except the interference of the Legislature. The only question before them now was, should any means be taken to prevent such proceedings, but it was a matter for after-consideration what these means should be. And he hoped their Lordships would not throw out the Bill on the second reading, when it was proposed that it should be referred to a Select Committee for consideration.

The Earl of *Aberdeen* said, that, in reference to a measure which he had introduced some years ago in regard to entails, and the object of which seemed to be now understood, he begged to state, that that measure was merely temporary; and if it had been intended to be permanent, no one would have given a more decided opposition to it than himself. His object then was, to remove a great grievance which was severely felt in Scotland in consequence of a decision of their Lordships' House—a grievance which the noble and learned Lord who pronounced it deplored so much (though he could not but administer the law as he found it), that he even pledged himself to bring forward a measure to remedy it if no one else would take it up. In introducing that measure, he had no intention that it should be final; on the contrary, he firmly expected, that the noble and learned Lord on the Woolsack, or some other person more capable of the task than he was, would take the whole of the laws of entail in Scotland into his consideration, and introduce a general measure regarding it. He (Lord Aberdeen) felt, that some further measure was necessary, but whether the Bill of the noble Earl would answer the purpose proposed he could not exactly say. His opinion was that it would not;

but at the same time he would vote for the second reading, for the purpose only of having the subject referred to a Committee, and he reserved to himself the privilege of opposing the details, if he should think it necessary to do so, till a future stage of the Bill.

Viscount *Melville* would vote for the second reading, without pledging himself to the details of the Bill. At the same time he would say, that he did not believe the evil consequences of the present law to be so extensive as was generally believed. The measure was one of great importance, and he hoped it would be fully discussed and considered before it was passed into a law.

The Amendment was withdrawn, and the Bill read a second time, and, with the Entails Relief Bill, was referred to a Select Committee.

HOUSE OF COMMONS,

Tuesday, May 13, 1834.

Minutes.] Petitions presented. By Mr. Henry Handley, from several Places in Lincolnshire, for the Removal of Smithfield Market.—By Mr. Baring, from several Places, for Protection to the Established Church; from the Farmers of Essex, in favour of the Islington Market Bill.—By Alderman Wood, from three Places, for the Redemption of Tithes.—By Mr. Wilbraham, from Nantwich, for the Remission of the Sentence on the Dorchester Labourers; from Chester, for Triennial Parliaments, and Vote by Ballot.—By Mr. Briscoe, from the Society for the Prevention of Cruelty to Animals, and for the Better Treatment of Dumb Animals.—By Viscount Palmerston, from Fishermen of Chester, for some Regulations relative to the Oyster Fisheries.—By Sir C. Burrell, from Rusper, for the Re-enactment of the Labour-Rate Act.—By Mr. W. Evans, from Bredgar, for the Repeal of the Malt Tax.—By Sir Robert Bateson, from Belfast, for an Inquiry into the Causes of the Increase of Drunkenness.—By Colonel Lygon and Sir Thomas Freemantle, from Worcester and Hillsden, for Relief to the Agricultural Interest.—By Mr. Wilks, from St. Luke's, Westminster, against the Poor Laws Amendment Bill.—By Mr. Lambton, from Houghton-le-Spring, for the Repeal of the Export Duty on Coal.—By Mr. Finch, from one Place, for Protection to the Established Church.—By Mr. O'Dwyer, from Drogheda, for Diminishing County Rates.—By Sir John Sebright, Messrs. Wilbraham, Fenton, Wilks, and Scholefield, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Mr. W. Patten, from the Hand-Loom Weavers of two Places, for a Board of Trade, and for Relief.—By Mr. James Mackenzie, from two Places, in favour of the Sabbath Observance Bill.—By Messrs. Fielden and Godson, from the Retailers of Beer in Halifax, Kidderminster, and Oldham,—for being placed on the same footing as Licensed Victuallers.—By Mr. Shawe, from two Places, against the Poor Laws Amendment Bill.—By Captain Jones, from four Places, for extending the Provisions of the Lord's Day Observance Bill to Ireland.—By Sir G. Strickland, Sir J. Sebright, Sir C. Burrell, Sir E. Knatchbull, Colonel Lygon, and Mr. Wilson Patten, from a Number of Places,—against the Sale of Beer Act.

Inns of Court.] Mr. *Baring* presented a petition from 500 of his constituents, praying the House to institute an inquiry into the present mode of admitting persons to practise at the bar. They objected to the present mode of admission, and he fully concurred with them in thinking it highly objectionable, that any one body should have the power of excluding persons from practising at the bar, and that for life, at their own will and pleasure. He also presented a similar petition from Colchester.

Mr. *Lennard* presented a petition to the same effect from 300 electors of South Essex. He said, no means had been resorted to for the purpose of getting it up, and it was most respectably signed. The petitioners thought such an irresponsible and extensive power prejudicial to the public, and ought not to be intrusted to any body of men, still less to one over whom the public had no control. He considered it quite anomalous, too, that the hon. member for Colchester should be debarred from practising as a barrister, and yet be allowed to practise as a solicitor. They considered such a power as that claimed by the Benchers wholly unnecessary, as barristers were constantly before the public, who were the best judges of their conduct, and who would not employ them if they were not deserving of encouragement. They complained also, that justice had not been done to Mr. Harvey—that witnesses had not been compelled to attend—that they were not sworn, and that the judges should have no power to examine into the allegations against an applicant for admission, but rest satisfied with the certificate of the benchers. He entirely concurred in the sentiments contained in the petition, and trusted the question, as far as it related to the hon. member for Colchester, would have a fair and full investigation.

Mr. *O'Connell* rose to move for the appointment of a Select Committee, to inquire into the practice observed by the four Inns of Court in London, and also by the King's Inns, Dublin, upon the application of persons to be admitted students, and to be called to the bar; and also to inquire into the revenues of each Inn, and the application thereof. What had fallen from hon. Members on presenting these petitions would enable him to spare the time of the House, and so would, even to a greater degree, the sixth report of the Common Law Commissioners, which had just been laid before the House. That report described the power claimed by the benchers as unlimited, unrestrained, and anomalous, while they had no power relative to the admission of solicitors and attornies. Such a tribunal was only intended to prevent the admission of improper persons to the bar. Now, it was important, that the House should consider whether or not there was any serious evil to be apprehended from the admission of improper persons to the bar. The House should recollect, that the profession of a barrister was not one which, *per se*, entitled the party to any emolument, or which gave him a claim to any employment, unless such as the public might choose to give him. All a barrister had to do was, to undertake to discharge any specific duty which a party might choose to confide in him. The public were not, it should be observed, bound to place that confidence in any particular individual; nor was the monopoly of the bar so very close as to impose a sort of obligation on the public to employ any particular person in this profession. The profession was most numerous, and, therefore, if any improper person found his way into it, there was the less likelihood of his obtaining employment. Was it not, then, a dangerous power to vest in the Inns to reject any person they might think proper?—He would illustrate the hardship of the case by referring to the humble individual who had the honour of addressing the House. Suppose that, before he had been called to the bar, he had been an active politician, and that the benchers of the Inn to which he applied for admission had thought proper to reject him; he should thus have been excluded from the emoluments of a tolerably successful professional career, and from many other advantages. Or suppose the benchers had rejected the application for admission of the hon. and learned Gentleman near him (Sir James Scarlett), in comparison with whose success, his own was ludicrously small—suppose that any secret enemy of that hon. and learned Gentleman had contrived to whisper away his character, and that the benchers had rejected him; he would have had no remedy, and would have been deprived of the emoluments of his great professional knowledge, and the public would have lost the advantage of his professional services. It was impossible to exaggerate the importance of the power possessed by the tribunal to which he referred; it was impossible to go too far in diminishing the difficulties of going to the bar. His own impression was opposed to the species of examination adopted with regard to persons going to the bar. The case of Wooler was a very strong instance in support of his principle. That man's character was free from reproach; but he was a working printer. From the talent and industry he displayed in his trade, his friends thought that he would rise to eminence if he was a member of the legal profession. But he was a working printer; and in a commercial country like England,—apparently for no better reason than that he made his livelihood by working at his trade—the application of Wooler to be admitted to one of the Inns of Court was refused, and refused without a remedy. He applied to the Court of King's-Bench, and the only result of his application was, to assure him, that there was no tribunal which could hold out to him the remotest prospect of relief. Ought such an evil as that to be suffered? Was the present Government prepared to say it ought to continue? Suppose no investigation whatever had taken place, would not the very case he had just cited, fully justify him in calling upon the Government to institute an inquiry? But he was relieved from the necessity of saying much on the subject, for a previous investigation showed, that there was ground to justify the appointment of a Committee. An investigation had taken place—a report had been published—the necessity of relief was fully and forcibly pointed out—but the particulars of the relief required were, he was bound to suppose, with a most proper caution, left unexplained. There were four Inns in London, and the King's Inn in Dublin, which had the power of deciding to a certain extent upon young men's fortunes by refusing their admission. In the observations which he should feel it his duty to offer to the House, he should confine himself to the four inns of London, as what he should say of them would be equally applicable to the King's Inn in Dublin. The first question which naturally suggested itself was, how did these Inns come to acquire this right? Was it from charter? Was it from Royal grant? Had they it from Act of Parliament, or from any thing that could be called the law of the land? No, not from any of these. There was no charter, no grant, no Act of Parliament; nothing that could be defined as law upon which this right was based. The Report of the Commissioners was decisive upon that subject. It was, in fact, a voluntary society—a trades' union of its own creation, which chose to exercise that right over the brothers of the trade. The tailors of the "body" had, in fact, just as much right to exercise a jurisdiction over their brothers in the craft. He would read an extract from the report of the Common Law Commissioners upon the subject. Speaking of the privilege, the report says—"the origin of this privilege of the Inns of Court appears to be involved in considerable obscurity." It was observed by Lord Mansfield, in the case of the King v. Gray's Inn, Dang. 354, 'That the original institution of the Inns 'of Court no where precisely appears, 'but it is certain that they are not corporations, and have no charters from the 'Crown. They are voluntary societies, 'which for ages have submitted to Government, analogous to that of other 'seminaries of learning; but all the 'power they have, concerning the admission to the bar, is delegated to them 'from the Judges; and in every instance 'their conduct is subject to their control, 'as visitors.' From this extract it appeared, that the power which the Inns possessed concerning admission to the bar was delegated to them by the Judges. But where did the Judges themselves get that authority? It is also said, that the Inns are subject to the Judges as visitors. Now, if there was any one species of authority which more than another ought to be exercised under the surveillance of Parliament, it was that visitorial authority alleged to be invested in the Judges. It was, as hon. Members were aware, absolute, and under no control, and, therefore, the more required correction, and the examination of Parliament. It would be found, that these Inns were, in their origin, what they were stated to be in the extract he had read, "seminaries of learning." It appeared, that in ancient times, the students were in the habit of pleading fictitious cases before the benchers, which were decided before dinner. Not only were they "seminaries of learning," but they were even seminaries of "accomplishments," for Sir John Fortescue observed, that young gentlemen there learned to dance, to sing, and play upon instruments, and were wont to study divinity upon the festivals. Every body knew that, at present, the apparatus of the Inns of Court, for the teaching of accomplishments had dwindled down to places for the eating of a certain number of dinners. The students had been in the habit of discussing questions of law, but they now only discussed mutton and beef, and drank bad port, while the benchers and barristers were provided with excellent claret. To be sure it might be improved since his time, but, at the period he was "keeping his terms," it was very bad indeed. He would also just mention that, at these Inns, so particular were they about the personal appearance of the students, that there was an order issued in the time of Queen Elizabeth, that every student should shave himself, or be shaved once a fortnight. Well, these seminaries had now dwindled into dining-rooms, and yet they possessed the power of deciding on the fortunes of young men, and very considerable property in addition. But why should he detain the House by arguments, when he had the report of the Commissioners to refer to? He would read an extract from that report, with respect to the admission of conveyancers and pleaders:—'With respect to the regulation which relates to practising as special 'pleaders or conveyancers, and the necessity of obtaining, for that purpose, 'the permission of the societies, it appears 'to us to be objectionable. Its apparent 'object is, to prevent uneducated and incompetent persons from practising in 'those capacities; but its effect is, to 'make all persons, however well qualified, 'hold their professions of special pleaders 'or conveyancers, by the precarious tenure 'of the pleasure of the benchers, and to 'vest in those gentlemen a discretion very 'liable to abuse.' Here, then, the Commissioners clearly pointed out the evil which existed; but had they suggested any remedy? No, they had not. The mischief was pointed out; the necessity of remedying it was clearly shown; but the mode of remedying it was not even suggested. Was it possible for him to show a stronger case to justify the House in instituting an inquiry? Here were two most important branches of the profession left at the caprice of the benchers. He did not mean to cast any imputation upon the benchers; he did not mean to deny, that the present benchers were the best of all possible benchers—nor was it to be expected, that we should "look upon their like again." But was it not obvious to every Gentleman in that House, that the power which the benchers possessed should not be left in their hands? Was it not obvious, that that power should be brought under the control of Parliament? The Report, to which he had before referred, also stated, that the regulation with respect to the admission of students was unsatisfactory. Was not this an additional fact to strengthen the case for inquiry? In the Report which he held in his hand there was the evidence of a gentleman named Curwood, eminent in his profession, who stated, that when he was about being called to the Bar, his application for admission was rejected by the Benchers; and why? For any crime—any fault of his? No; but simply because a friend of his had had a dispute with one of the Benchers. Thus did this gentleman lose twelve months of the most valuable period of his life, simply because his friend had quarrelled with a Bencher. How did that House know how many more might have been similarly aggrieved. All they knew was, that every man who applied for admission to the Bar was liable to be so injured. Then, as to the call to the Bar. It appeared that the Judges might be appealed to as visitors. Now, Heaven knew, the Judges had quite enough to do in their judicial capacity; but even suppose they had not, did not the Report of the Commissioners satisfactorily demonstrate, that the present mode of investigation was most unsatisfactory? It was secret: carried on, it might be, behind the backs of those most interested in it: no "notice" given to the party complaining: the tribunal had, too, the power of excluding the public. When a party was heard before them, they might condescend—for it would be a mere act of condescension—to hear witnesses in his behalf. But who were these witnesses? Ought they not to come before the tribunal with, at least, some suspicion resting upon them, inasmuch as they were voluntary, and not subpœnaed witnesses? The tribunal granted no process to compel the attendance of witnesses. Why, in a case of the most trifling description, if only twenty-pence were at stake, or a case of trivial assault were at issue, the Court granted a process to compel the attendance of witnesses; but here, where character, above all price, was at issue, no process was granted to procure evidence by compulsion. Thus, in cases before this tribunal, every witness came forward with this taint, that he must be, in some degree, a partisan, inasmuch as he comes forward a voluntary witness. In page 9 of the Report it was said,—"It would be right, also, in our opinion, to establish, by way of positive regulation, that, in all cases where an application is rejected, whether it relates to admission as a student or to the call to the Bar, the party applying shall have notice, in writing, of the cause of rejection, shall be allowed to clear himself from any charge of misconduct which it may involve; and for that purpose shall be at liberty to make his defence either in person or by Counsel, and to produce evidence; and that a full report of the whole evidence and other proceedings before the Benchers shall (in the event of an appeal) be laid before the Judges." A "regulation" was recommended by the Commissioners; but in his opinion, legislation would be infinitely the better way of arranging the whole matter. But he felt, that this subject involved a case of importance; and it was one from which he would not shrink. It was not his wish, nor was it the wish of his hon. friend (the member for Colchester) to throw any imputation upon any individuals, but the decision in his case was not given before the public; and, after all, there was no better guardian of judicial integrity than public opinion. If those who judged were always sensible, that their judgment would be revised by a tribunal, from whose decision there was no appeal, they would, perhaps, be more generally careful in coming to a decision. His hon. friend had been, since 1818, a Member of that House. Six times had a popular constituency selected him at six different elections. The people of Colchester—his neighbours—who had the best opportunities of being acquainted with his character, had thus stamped upon it the broad seal of their approbation. He was fit to be a Member of that House, and yet was not deemed fit—for what? To run his chance of getting a brief from any one who might think proper to confide the management of their lives, liberties, or properties to his zeal, integrity, and talent. Did not this case, then, demand, trumpet-tongued, that an inquiry should take place? He (Mr. O'Connell) had read the case which had been made against his hon. friend; and, without meaning in anywise to disparage the tribunal which had given the decision, he most solemnly and firmly asserted his conviction, that never was there a man more grievously or more unjustly injured than the hon. member for Colchester. Had he to address a Jury on this subject, selected with even moderate fairness, with such a case as his hon. friend had, he would stake whatever professional reputation he possessed, that he could not fail of obtaining a verdict. This was his firm and conscientious conviction—not as an advocate, for he rather stood there as a Judge than in any other capacity. With the hon. Gentleman he was only in political friendship. He agreed with the hon. Gentleman on some political subjects, and differed from him upon others, and of as much importance as any subject that could come under consideration. But, in speaking as he had done, he merely discharged what he felt to be a duty; and, with the impressions which were upon his mind, he could not suppose that the House would refuse a Committee of Inquiry. Could there be any fairer mode of inquiry than a Committee of that House? There both parties might have whatever evidence either might deem important to support their respective cases. If a decision were given against his hon. friend, his mouth should be closed upon the subject; and he thought he might venture to make a similar promise for his hon. friend himself. He would now offer a few observations to the House upon the revenue of these Inns. They had revenue; but of what kind was it? They were not a Corporation, nor did they hold it by any grant; yet they taxed the King's subjects to a great amount. No man could be called to the Bar without depositing a large sum of money, and paying certain fees, and about 21*l.* in stamp-duty. The King's Inn, in Dublin, had an income of 6,000*l.* or 8,000*l.* per annum. Being obliged to allocate a portion of it to a particular purpose, they erected a crooked stone building, in which were some of the public offices, while one dining-hall was reserved for the students. There was also attached a badly-arranged library. The Benchers who had the management of these affairs had taken upon themselves important public functions; and the manner in which they discharged them was a fit subject of inquiry. He could not see what opposition would be offered to the proposition for inquiry. It was demanded by the complaints which had been made;—it was demanded by the Report which was upon the Table;—it was demanded by the fact of unlimited and irresponsible power being vested in the hands of any body of men;—it was demanded, by the sacredness of individual character;—it was demanded by the fact of the body referred to being in the receipt of very considerable public revenue. All these considerations imperatively demanded, that an investigation should be entered into; and though prepared to enter into a detailed discussion of the different topics to which he had adverted, yet as he did not anticipate any serious opposition, or any lengthened discussion, he should content himself by simply submitting his Motion to the consideration of the House.

Sir *James Scarlett* said, that, as the Motion did not appear to be founded in any general principle, it would be necessary for him to examine a little the various statements or charges made by the hon. and learned Mover of the Resolution. He should do so not so much with a view of preventing inquiry, as for the purpose of endeavouring to point out the foundation upon which inquiry ought to proceed, if inquiry should be thought necessary. The hon. and learned Gentleman had complained of the authority which he said the Benchers of the Inns of Court exercised over the admission of gentlemen to practise as special pleaders and as conveyancers. It was very true that, before any person could practise either as a special pleader or as a conveyancer, he must be admitted by some Inn of Court; but really the proceeding was so much a mere matter of form, in as far as the Benchers were concerned, that, upon their account, he as one of them, could have no objection to any change whatever. The present system was pursued under an Act of Parliament, which dictated the course to be taken. The chief, if not only, difficulty imposed was in the shape of certain stamp duties; and if it should please his noble friend at the head of the Exchequer to repeal those duties, he, as a Bencher, could have no objection; and, doubtless, gentlemen wishing to become conveyancers or special pleaders would be thankful for the change. The hon. and learned Gentleman appeared to think the practice oppressive. He had never heard of more than one complaint with respect to it, and that was a complaint from the respectable practitioners of a neighbourhood, that a hedge lawyer had received his certificate, to the prejudice of the character of the profession. He certainly thought, that ample, if not too much, facility was given to the obtaining of the certificate, which the hon. and learned Gentleman appeared to think was to be gained only by the Benchers being benefited. In consequence of the complaint to which he had referred, most of the Courts had, he believed, adopted a rule requiring, that a party, on applying for a certificate to practise either as a conveyancer or a special pleader, should produce certain evidence of his respectability. But then it was asked, upon what authority did the Benchers of the Inns of Court interfere with the matter? He knew of none other than the Act of Parliament. It had pleased the Legislature to delegate that authority to the Benchers, and they exercised it in the way he had stated. As to the other parts of the Motion upon that point, he cared nothing for them. Another object of the Motion was, to institute an inquiry into the property of the Inns of Court. It was well known to those who had taken the trouble to make themselves acquainted with the subject, that these societies were voluntary, that their funds arose out of subscriptions or gifts from the different members, and that the property was as much private property as was the estate of any gentleman in the country. In saying this, however, he did not deny that that House had the power to institute an inquiry. Of course it had. It had also the power to institute an inquiry into the property of his noble friend (Lord Althorp) over the way, or of any other hon. Member; but he thought the experiment would be rather a dangerous one. That, however, was for the House to consider. He had only to state the fact as to the character of the property. The history of these societies was known to those who had taken an interest respecting their rise and early proceedings. They originated chiefly in a struggle between the Church and the gentry, and others anxious to cultivate the profession of the common law. For the purpose of establishing the study of the common law without the assistance of the Church those voluntary societies were formed; and they were countenanced and assisted at different times by the Crown. He would admit to the hon. and learned Gentleman that, in times long passed, the seminaries under those societies were numerous; but then it should be remembered that, in those days, the study of the law was commenced and pursued at a far earlier age than at present, so that law seminaries were not now so requisite as then. Then the hon. and learned Gentleman had asked upon what authority the Benchers of the Inns of Court took upon themselves the power of refusing to admit a person to the Bar? Why, Lord Mansfield had answered that question. The Benchers had the authority of the Judges. But it might be asked, where did the Judges get their authority? He did not know that any other answer could be given than that the practice was in consonance with that of every civilized nation. It was always held proper and advantageous to the community, that the Judges should have the power of regulating as to those who should practise before them. Whether that was a good or a bad practice he would not pretend to say. It was no part of the question before the House. If any hon. Member thought it a bad practice, let him bring in a Bill to alter it, and then he, as a Member of the House, should be prepared to discuss the matter. Certainly, in as far as he could speak upon experience the practice was attended with no inconvenience, but, on the contrary, effected much good. The case of attornies was somewhat different. By the Act of the Legislature that power was vested in the Judges under certain specified regulations. The Inns of Court, therefore, had nothing whatever to do with the admission of gentlemen as attornies. Now the hon. and learned Member had moved for a Committee of Inquiry, and he, therefore, contended that, in order to support his Motion, the hon. and learned Gentleman ought to have specifically stated the cases which rendered such inquiry necessary. He had, however, not done so. To two cases only had the hon. and learned Gentleman even alluded; the first was the case of Mr. Wooler. The hon. and learned Member stated that Mr. Wooler had been refused admission as a student on the ground that he was a hard-working printer. Now, if such were the fact, it might be a very good reason for bringing in a Bill to alter the present practice, but it was no reason for inquiry into the conduct of the Inns of Court, unless it could be shown that the Benchers in so deciding had abused their trust. But, according to his impression, the statement of the hon. and learned Gentleman was incorrect. If he remembered rightly, Mr. Wooler was refused admittance, not because he was a hard-working printer, but because he had been twice convicted of publishing a seditious libel. [An *Hon. Member:* Only once]. That might be. He would not be positive, but he thought that Mr. Wooler had been twice convicted. He would not attempt to say whether the decision of the Benchers was right or wrong on abstract principle, but he would contend, that it afforded no ground for inquiry by that House. He understood that some of the Law Commissioners had thought, that Mr. Wooler ought to have been allowed the right of appeal; that in fact a person claiming admission as a student ought to be allowed the right of appeal, as well as a student claiming admission to the Bar. In the case of Mr. Wooler, however, it was thought that the Judges could not entertain an appeal, and for this reason: The Societies were not formed by the authority of the Judges or under any power delegated by them, and, therefore, they had not the right to say to those Societies, purely voluntary ones, whom they should or should not admit. If the House, however, thought that one case of this kind was sufficient to call for an alteration of the present system, let the proper means be taken to effect it. [Mr. *O'Connell:* Mr. Wooler was not, in fact, convicted at all.] He could tell the hon. and learned Gentleman that he himself was present in Court when Mr. Wooler was convicted. The Universities exercised a similar power as to the admission of students, and he had not heard that any objection had been taken to their authority. For his own part he had no objection to the right of appeal being given to the person wishing to become a student, but it would be for the House to consider whether it would legislate in such a matter upon a single case, and that case was of the description he had stated. In his opinion the facilities given for the entrance of students were already ample. All that was required in the great mass of cases was the security of two householders for the payment of the Commons, and the certificate of a Barrister, a member of the Court, as to the respectability of the party applying. In the Inn of Court to which he belonged there had been adopted a rule requiring that any person, before he was admitted a student, should give evidence that he was possessed of the rudiments of a liberal education. No deep or consummate knowledge was required, but it was deemed necessary that the applicant should be versed in the elements of those branches of liberal knowledge, the pursuit of which was considered absolutely essential to a fit and efficient discharge of the duties of a Barrister. Nor could he quit that point without stating, that this rule had been followed by the happiest effects. It was in the Middle Temple that it had been adopted, and that Inn had since its adoption risen very much in public estimation. Then as to the taxation of which the hon. and learned Gentleman had complained so heavily. These Societies did not profess to provide gratuitously eating and drinking for their members, and the students' attendance at Commons being a part of the discipline they had to go through, they were called upon to pay a proportion of the cost incurred. The Societies also had to provide for the payment of the preacher and for some other objects which could not be avoided, and the students, as members of the Societies, were called upon to pay their share, which was not, however, large. The Legislature had imposed upon every Gentleman requiring admission as an attorney, the payment of a Stamp-duty of 114*l.*; and the Inns of Court had thought that the students for the Bar should, even in a pecuniary point of qualification, be placed upon an equality with attornies. They had, therefore, required that every student on entering should deposit 100*l.*, that sum to be returned on his being called to the Bar. In Commons the Societies were divided into messes, each consisting of four. The cost of the dinner for each mess to the Society was, he believed, about 16*s.*, and each student was charged for his dinner 1*s.* 6*d.* Besides that sum he had a fee of 5*l.* to pay; but then he had the wine allowed without charge, and, therefore, he thought it something extraordinary for the hon. and learned Gentleman to talk of the Inns of Court raising money by taxation for their own benefit. With respect to the Stamp payable on admission to the Bar, with these the Inns of Court had nothing whatever to do. If the noble Lord (Lord Althorp) chose to remit them, the Benchers would make no objection. He then came to the second case which had been cited as a grievance. It was painful for him to have upon any occasion to make any observations in respect to that case; still he should always be prepared fully to state his opinion, and the grounds upon which that opinion was formed, whenever the case was distinctly and properly brought forward. At present such was not the fact. Indeed, he complained that such a case had been alluded to incidentally, and not in that clear and distinct manner in which it ought to have been brought forward, if investigation had been really intended. He would say this, that if the hon. member for Colchester, or any other hon. Member, thought that this case required inquiry at the hands of the House, the Benchers who had judged it, would be ready to furnish not merely a Report of their proceedings, but of every scrap of evidence adduced before them. The hon. member for Colchester would do him the justice to admit, that when he first brought forward his case, he had laboured to the best of his ability to secure for it a patient hearing. Personal feeling against the hon. Member he declared most seriously and solemnly he had none. But having stated this much, he was bound to resist going into the matter in an irregular and unsatisfactory manner. And what was the history of that case? It was complained, that the decision of the Benchers in 1822, of the Judges who had confirmed that decision, and that the subsequent decision of the nineteen Benchers recently, were wrong. Then why, he asked, did not any hon. Member entertaining such an opinion bring the case fairly and fully before the House? But let the House look at the argument of the hon. and learned Gentleman. "What!" he exclaimed, "after the people of England have returned the hon. member for Colchester to this House six several times, shall the Benchers of an Inn of Court be allowed to say, that that hon. Member shall not be admitted to the Bar?" Now personal matters of this description were always painful, and he would gladly avoid them; but still he was bound, as his conduct in the execution of a public duty was called in question, to justify his proceedings. There were some in that House who were old enough to recollect the case of Colonel Cawthorne, who for several years represented the borough of Lancaster. Colonel Cawthorne was tried before a Court-martial, and convicted of suppressing marching billet-money. After his conviction the case was brought under the consideration of the House, and Colonel Cawthorne was expelled. The people of Lancaster, however, again elected him, and he sat subsequently to his expulsion for three Parliaments. Now no one would contend that the House had not acted with perfect propriety in expelling Colonel Cawthorne, because when elected he was not the criminal he was afterwards proved to be. Once expelled, however, the House had done its duty; and if the people of Lancaster chose to re-elect Colonel Cawthorne as their Representative they had a right to do so. But Colonel Cawthorne could never after his conviction have been admitted a Member of the Bar. Such a thing would have been impossible, and in fact, although Colonel Cawthorne was a student, he never applied to become a Barrister. He would not then go into the case of the hon. member for Colchester. He repeated that he would not go into the case, simply and plainly because it was not properly before the House. Let any hon. Member bring the case before the House, and he would be ready, point by point, to justify his decision as a Bencher of the Inn of Court. This much, however, he would say. The hon. and learned member for Dublin had said, that he had read the case, that he had considered it, and that he was decidedly of opinion that the decision come to was unjust. Now, he would assert, and with as much confidence as the hon. and learned Gentleman could by possibility assert anything, that there were not to be found in England nineteen Gentlemen actuated by the feelings of Gentlemen who would not concur in the decision come to by the Benchers in the case of the hon. member for Colchester. The hon. member for Colchester might succeed in persuading a Jury from Colchester to come to a different judgment. He might even succeed in persuading the hon. Member opposite who had presented a petition in his favour, but he would get no nineteen Gentlemen in the country to sustain this view. It was, however, upon these two cases that inquiry was called for. Would the House, then, sanction the Motion? Would it upon such grounds proceed in a course which had for its object to alter a system which had been long tried and was of much importance to the country. If such a proceeding were to be sanctioned upon such cases, they ought to be brought directly under investigation, and fully inquired into. With the exception of them he knew of no other Motion in which a person applying for admission had been refused. It was true that when he was a student Mr. Horne Tooke was rejected, but the ground was, that being in holy orders that Gentleman was not eligible for the Bar. [Mr. *O'Connell* denied, that Mr. Horne Tooke was in holy orders.] At all events Mr. Horne Tooke was the rector of Brentford. If, however, it were thought desirable the Judges should resume their authority he had no manner of objection. But he thought those functionaries had already quite sufficient to do without burthening them with an inquiry into every case of admission to the Bar. Certainly, it could not be said, that under the present system, a monopoly injurious to the public was preserved. He found in every Court an abundance of Barristers. There were, indeed, sufficient not merely for the practice of the profession, but also for filling a multitude of commissions and places of occupation of that description. He did not know whether in that House it would be considered as a matter of much importance to maintain the character of the Bar; but his own opinion was, that, as the most important duties were intrusted to Barristers, it was for the interest of the public, that care should be taken to confine the profession in as far as possible to men of strict honour, high integrity, and good education. Such was his feeling, and any attempt to break down or weaken the character of the Bar, he should ever consider as a great public injury. The hon. member for Colchester had published his case; and no complaint could be made of his having done so. Some men acted for themselves, and others were advised by their friends. Perhaps it would be always better if the advice was professional. He had not read the case published by the hon. member for Colchester, but he had seen some of those who had read it; and he must say, that their opinion was, that the hon. member for Colchester had better have said nothing about it. That case was heard in the year 1822. It was decided by the Benchers against the hon. Member, and that decision was confirmed by the Judges. Many years afterwards, when only four of the Benchers, who before tried it, were alive, and only two of the Judges, who had heard the appeal, were on the Bench, the hon. Member again brought his case forward. It was again heard by the Benchers, and nineteen of them unanimously decided in the same way as their predecessors had done. If that decision were not satisfactory, the hon. Member might appeal to the Judges. The Benchers were ready to give up every particle of the evidence to any competent tribunal. Indeed, when the hon. Member had expressed a desire to know the grounds of the decision, he had been furnished with a precise copy of the language of every Bencher, for the opinions were taken *seriatim*, and formally noted. Such, then, were the grounds upon which the hon. and learned Gentleman had framed his Motion, and he contended, that they were in no way adequate to justify it. If the present system were bad, let it be properly discussed and dealt with accordingly; but against the present Motion, he would divide the House, because it sought to do that by indirect means which ought to be done only on plain and direct proceeding.

Mr. *Hill* supported the Motion. The principle in operation was bad, and, therefore, ought to be done away with. He denied, that Mr. Wooler had been convicted of a libel. His hon. and learned friend (Sir James Scarlett) was mistaken. The finding was such, that there could be no judgment upon it; and, in fact, there never was any. Mr. Wooler was convicted of sedition, in the case with Sir Charles Wolseley; but the case of Mr. Wooler proved, most undeniably, that the Benchers of the Inns might be influenced by political considerations in their decisions upon applications to be called to the Bar. The sole offence of which that gentleman could be accused, was the authorship of a certain political pamphlet; but, that in itself was sufficient to induce the Benchers to refuse his application for admission. But if the case of Mr. Wooler were not sufficient, that of Mr. Redhead Yorke placed the matter beyond the possibility of a doubt. Mr. Redhead Yorke had been convicted of a seditious libel, and the Bench of the Inn to which he belonged as student, at once rejected his application for admission to the Bar. That circumstance was, in itself, enough to prove that political considerations influenced the Benchers; but, in addition to it, he had to mention another still more convincing proof, namely, that on Mr. Redhead Yorke's doing what Mr. Wooler never would do—on his recanting publicly his liberal opinions—the same Bench who once rejected, subsequently granted his application, and he was accordingly called to the Bar. These were instances demonstrative of a bad principle, and, in his opinion, powerful arguments in favour of the reform which the hon. and learned member for Dublin contemplated. With respect to the case of the hon. member for Colchester, there was a point which he felt very anxious to ascertain. He wished to know whether, if the member for Colchester thought proper to appeal against the decision of the Benchers of the Inner Temple, would the Judges hear evidence, or would it be estopped by the Benchers' certificate.

Sir *James Scarlett* said, that if there were any evidence to be adduced on the other side, the Judges would either hear or have it reported to them.

Mr. *Hill* understood, it was estopped by the certificate. He did not support this Measure, for the purpose of inculpating the Benchers. He would guard against giving any opinion on the case of the hon. member for Colchester, as he was ignorant of the facts of the case, but he thought there was sufficient grounds on principle to support the Motion before the House. First, he objected to the secrecy of the trial, and the want of the controlling power of public opinion; next to the want of power in the party most interested, to enforce the attendance of witnesses. Again, no notice of the charge was given by which the party could prepare for his defence. The principle was bad, and he should, therefore, support the Motion for Inquiry.

Lord *Althorp* said, the House must recollect, that the Motion before them was not for the introduction of any measure, but for the appointment of a Committee of Inquiry; and the question was, whether it were necessary to go into such a Committee. The Common Law Commissioners, in the Report to which the hon. and learned member for Dublin had referred, stated the objections to the present system; but the hon. and learned Gentleman said, that they did not point out the remedies. Now, it being quite clear, that the Law Commissioners were more likely, on a question of this nature, to have evidence which would enable them to arrive at a sound conclusion, than any Committee of that House could possibly have, the better course would be to bring in some measure founded on the Report of the Commissioners. The Commissioners might not go far enough in their recommendations; but if it were wished to go further, it was not necessary to have a Committee of Inquiry. The recommendations of the Commissioners were, "in the first place, that, either by Act of Parliament, or by authority of your Majesty in Council, the Societies be enjoined to allow, and the Judges of the Courts at Westminster to receive, an appeal from any Act of the Benchers of any Inn of Court, rejecting an application for admission into their society." But this was not all; for the Commissioners went on to say,—"It would be right, also, in our opinion, to establish, by way of positive regulation, that in all cases where an application is rejected, whether it relates to admission as a student or to the call to the Bar, the party applying shall have notice in writing of the cause of rejection, shall be allowed to clear himself from any charge of misconduct which it may involve, and for that purpose shall be at liberty to make his defence either in person or by Counsel, and to produce evidence; and that a full report of the whole evidence and other proceedings before the Benchers shall (in the event of an appeal) be laid before the Judges." The Commissioners, therefore, agreed with the hon. and learned Gentleman in criticising the course which was adopted now, and, more than that, they recommended a specific remedy for the evil. Then he maintained, that it would be better to discuss the question upon the introduction of a measure, than to have a Committee of Inquiry to overhaul that which had already been made. Some hon. Gentlemen might not think, that the suggestions of the Commissioners went far enough; but if a measure were introduced upon the subject, grounded upon this Report, it would then be the proper time to propose any additions or alterations, which in Committee might be deemed to be necessary. With this view, then, so far from thinking that a Committee of Inquiry on the part of the House would afford more facilities than an actual measure, he thought that, after the Commission had been legally appointed, they ought not to go into a Committee of Inquiry of that House.

Mr. *Lennard* said, he would not have troubled the House with any observations but for certain allusions made by an hon. and learned Gentleman. That hon. and learned Gentleman, indeed, had met this case with that astuteness which he believed was peculiar to the course which he had pursued through life; the hon. and learned Gentleman had met the question with much ingenuity. He had had the honour to present, in a former part of the evening, a petition bearing on this subject, the object of which was, not so much to call upon the House to make an inquiry into the case of the hon. member for Colchester as into the privileges of the Inns of Court. He begged to state, that neither the petitioners nor himself thought it necessary to enter into the circumstances of the case, not thinking that the House would feel it to be a proper subject for investigation. What was the power of the Benchers, who had rejected the application of the hon. Member for admission to the Bar, without stating the grounds upon which that refusal was made? Was it not a great hardship that a person in defending himself should not have the power to summon those witnesses who were necessary to his defence? The powers given to the Benchers were objectionable on four distinct grounds:—First, That they did not give reasons for their decision. Second, Because the defendant could not summon witnesses. Third, Because the witnesse were not sworn. And, Fourthly, Because the Benchers did not give to the Judges the full statement of all the facts given in evidence. In conclusion, the hon. Gentleman said, that his vote would depend upon the sort of Bill which was about to be introduced into the House. There were many evils to amend, but if a Bill were to be brought in to remedy those evils, and to give to the hon. member for Colchester the assurance, that the opportunity would be given to him (and to persons, in future, who might be similarly placed), the means of conducting their case—such a measure would satisfy him. With reference to the Benchers themselves, he had the honour of being known to Mr. Bickersteth—a gentleman who was universally respected —a gentleman, of whom he would say, he had never been the man to desert those liberal principles which he had in early life avowed.

Mr. *Halcombe* said, that in a discussion like the present, he could not but feel a deep interest in a matter which concerned a professional brother. He had examined with great care and diligence into the case of the hon. member for Colchester, and he, therefore, could not remain silent, seeing that, he was perfectly convinced, that the hon. Gentleman had come out of the inquiry with honour to himself. There were two charges made. With reference to the first, it was perfectly evident, that the hon. Gentleman could have had no motive in purloining the document which had been declared to have been secreted by him. He had been at the mercy of a third party, and that individual was the father of his opponent's attorney. One of the charges which had been made against Mr. Harvey by the Benchers was, that he had submitted to a verdict, without seeking to obtain a new trial. But Sir Samuel Sheppard had often, and in various places declared his conviction, that not the least imputation rested on Mr. Harvey. It was stated, too, that the party which gave the strongest evidence against Mr. Harvey, had acknowledged, on his death-bed, that he had done that gentleman great injustice. Again, an agreement had been found amongst the papers of one of the witnesses upon his son taking possession of his office subsequently to his death, though a witness had sworn, that no such document was in existence. This averment, however, was in the hand-writing of his opponent. He had had conversation with many respectable persons, attornies and others, whom he could name, who were convinced, that upon the two chief charges particularly, the hon. Member stood entirely acquitted.

Mr. *Cutlar Fergusson* said, his hon. and learned friend (Sir James Scarlett) had not spoken at all upon the case of Mr. Wooler, beyond saying, that Mr. Wooler was convicted of a libel. But his hon. and learned friend knew, that little value could be attached to a conviction for a seditious libel in those times. Here, then, was one case for inquiry, a case of gross injustice, and the other was that of the hon. member for Colchester. He did not mean to impeach the conduct of the Benchers of the Inner Temple, but the mode of conducting the inquiry, which he thought, must be anything but satisfactory even to themselves. He did not think, that he, as a man of honour, could have come to a satisfactory conclusion on the matter under such circumstances. The case immediately in question was one which was totally incredible. The only charge was respecting a sum of 500*l.*, which had been said to have been withheld from a person whose estate had been sold; but it appeared, that when this money was rendered to the party, he refused to accept it, because, he said, he was not entitled to it. Now, a reason why he objected to following implicitly the recommendation of the Commissioners, who had inquired into the matter was, that some of them were themselves Benchers. The right to admission, he would say, should be the qualifications of the party seeking to be admitted, though there might be cases in which something else would be required. There might, however, be cases in which the refusal to admit persons to the Bar might arise from party feeling and local persecution. That would be gross injustice, and in the case of Mr. Wooler that injustice had been committed. He would contend, then, that the evil to be apprehended from this system, was much greater than that which would be likely to arise from admitting any person on the ground of his qualifications. The present system was more liable to abuse than any other which could be devised. This was a monstrous power. He wanted no other instance than those which had been quoted, to prove, that it was most absurd; and the only reason which was given for its adoption was the practice of the Universities. But he did not wish to take his authorities from the practice of the Universities, because they were conducted upon exclusive principles. He would say, that the person seeking to be admitted and refused, ought to have a public trial and examination. For these reasons, he thought, that the party refused admittance should have a *mandamus* to the Court of King's Bench given him, with the liberty of sustaining his case by Counsel; and with this, and this only, should he feel satisfied that justice would be done to all parties. If it were necessary to further the ends of justice by legislative provisions, he thought, that a Committee of that House would be worth a hundred other inquiries. The gentlemen of the law might, many of them, know the law better than the whole House put together; but, that House knew better how to correct the abuses of the law. Some remedy was required for this crying evil, and he would, therefore, vote for the Committee.

Dr. *Lushington* said, that the sole question which the House were called upon to decide was, whether the Motion proposed by the hon. and learned Gentleman, the member for Dublin, was justified by the circumstances stated by him? Now, the Motion of the hon. and learned Gentleman was for a Committee to inquire into the practice of the Inns of Court in England and Ireland, with reference to the admission of students; and also to inquire into the revenues of each Inn, and the application thereof. He thought, that no reason whatever had been stated, for inquiry into the application of the revenues of each Inn. But a matter of infinitely greater importance for the House to consider was, whether upon such a Motion, the House should appoint a Committee to consider the practice of the Inns of Courts with respect to calling gentlemen to the Bar, with a view to make an alteration therein. He thought, that the case of the hon. member for Colchester had been most unjustly obtruded upon the House. It was an injustice to the hon. Member himself and to the House, because he was not aware that hon. Gentlemen had had an opportunity of entering into the merits of the case; and he begged, on his own part, to disclaim any observation upon it. He would not say, whether the Benchers of the Inner Temple were right or wrong; for he had not read the minutes of the evidence, and, therefore, could not, as a man of honour, pretend to give an opinion upon it. The hon. member for Dover had interposed, with the weight of his own opinion, that which he was justified in doing—but the hon. Member had added the weight of the opinion of others, which he was not justified in doing—namely, the weight of the opinion of certain un-named attornies. The hon. member for Colchester had two modes of proceeding open to him. First, he had the appeal to the twelve Judges; and, secondly, that course which had been recommended by the hon. and learned member for Norwich (Sir James Scarlett)—namely, to make a Motion for the production of the evidence. This, he apprehended, was not likely to be refused, and then the House would be enabled to come to the question, whether justice had been done or not. He maintained, that no gentleman, either in that House or out of doors, was capable of coming to a just decision upon the case of the hon. member for Colchester without having read the whole of the evidence in the case. God forbid, that he should say anything to prejudice or prevent an inquiry into the hon. Member's case; but he would again repeat, that no person was competent to enter upon that inquiry who had not read the evidence. Whatever might be his own opinions upon that point, he must say, that he differed altogether from the doctrines laid down by the hon. and learned member for Dover; and he must observe, that he could not take the opinions of that hon. and learned Member, though backed by those of the nameless attornies whom he had consulted, against the decision of the gentlemen to whom this case had been submitted. This was, perhaps, the only complaint which had been made against the Benchers of the Inns of Court. There certainly was the case of Mr. Wooler, who had been refused admission to the bar; but he would not take upon himself to say, whether that gentleman had been justly dealt with or not; it was sufficient for him to know, that in the course of a long series of years, only two such complaints had been made, to induce him to pause before he agreed to the course proposed to be followed. They knew, that learning, and talent, and ability, ought to be made tests for admission to the Bar. But he would say, these tests were not sufficient; the first, and most important qualifications ought to be, high character, a spotless reputation, unsullied integrity; these were the qualifications most requisite for a candidate for admission to the Bar. It had been urged, that a public trial of a man's talents and abilities was the best test of eligibility. He denied that it was. If there were to be examination, there must be some persons selected to decide, and who, he asked, were qualified to fill the office of Judges on that occasion? Who were most competent to protect the public interests, and, at the same time, support the character of the profession? Surely these trusts would be best reposed in the benchers of the Inns. If the question before the House were merely as to an inquiry with a view to the emendation of any abuses shown to exist, he would be the last man to oppose the Motion; but he must say, that an inquiry into the qualifications of students could be placed in no better hands than those who held the office of benchers. They were men of the first practice, men of acknowledged talents, and of unimpeached character. They consisted, too, of men of all parties. There were Radicals, High Tories, and Whigs amongst these Gentlemen with whom the decision on the case of the hon. member for Colchester rested. Amongst them were the hon. and learned member for Norwich, a Whig —[*a laugh*]. If the House had only permitted him to finish the sentence he was about to utter, there would have been no ground for that laugh. He knew, that his hon. and learned friend had been a Whig, and he was about to make allusion to that circumstance when he was stopped. But the whole of the parties were men of high honour and integrity, and incapable of being biassed by party feelings in such a case. From their decision, then, he felt it difficult to depart. When he found that the present system had existed for a series of years without blemish, and with advantage to the character of the profession, he felt that they ought to be slow in adopting any sweeping innovation. He agreed with the Report of the Common Law Commissioners recommending that, in all cases where an application was rejected, the party applying should have every facility allowed him of making his defence, either by himself or by Counsel, with the power of compelling the attendance of witnesses. He would go further, and say that where any dissatisfaction prevailed, he would allow an appeal to the twelve Judges. But there existed no grievance which could not be provided for by simple legislation. By this Motion they were called upon to enter upon a criminal inquiry into the practice of the Inns of Court in England, and Ireland, and into the appropriation of their revenues, although no accusation had been breathed against any of them as to the misappropriation of a single penny. Why was it that they were thus called upon to proceed as if there were before them *prima facie* evidence of the guilt of the parties? Why, the very inquiry would be an imputation upon those persons. He would again declare, upon his word of honour, that he had formed no opinion upon the particular case of the hon. member for

Colchester. If that hon. Member had taken his case before the twelve Judges, and had been refused redress or even inquiry [Mr. *Harvey* said, he had not had the power to do so.]—if he had done this, then his case would stand upon much more favourable ground for inquiry than he considered it did at present, and he for one would vote for an investigation, and for the production of all papers and evidence necessary to its completion. But if they were to take such a course, in the name of God let them proceed regularly upon it.

Mr. *Halcombe*, in explanation, said, he had been charged by the hon. and learned member for the Tower Hamlets with having intruded his opinion upon the House and with having based it on the opinions of certain nameless attornies whom he had consulted, in opposition to the opinions of the benchers who had decided upon the case of the hon. member for Colchester. He had only discharged his duty in delivering his opinion upon the case when it was brought before the House. The hon. and learned Member said, that none but those who had read the evidence could be competent to form a just opinion in the case; but if the hon. and learned Member had done him the honour to attend to what he said he would have learned that he (Mr. Halcombe) had read the evidence.

Sir *Francis Vincent* thought, that sufficient had been said to justify the appointment of a Committee of Inquiry into the case of the hon. member for Colchester. Indeed he should like to have the inquiry extend to the whole objects of the Motion, because if these high functionaries had fallen off from the strict and impartial discharge of their duties, if they had sunk in the scale of social relations in society, it was time that they were restored to their original station. The hon. member for Norwich (Sir James Scarlett) had told them that the examinations of the law students were not severe. Perhaps not the inquiries, but it was in the power of these persons to prevent, by a certain line of examination any person from entering, against whom they entertained a prejudice. The examination, however, ought to be uniform and alike for all. It was not his intention to enter into the question of the funds of the Inns of Court, but he understood, that each bencher had, amongst other things, a set of chambers worth a considerable sum, in which he might reside altogether if he pleased. He would give the Motion his warm support.

Mr. *Pryme* said, that, with regard to the question before the House, he considered it one which, in every way, called for a Committee of Inquiry, that was its most proper shape. It should be considered, that that inquiry would open the avenues which led to the highest branches of that profession from which the judicial Bench was formed. With the hon. and learned Gentleman he thought that purity of conduct and character were more highly to be esteemed than mere talents. With regard to the purity of Benchers, and other officers alluded to, he would mention a circumstance which he had himself witnessed when at Lincoln's Inn some years ago. A gentleman was to be called to the Bar—there then existed a practice, a remnant of which only now remained, that of reading exercises to a barrister. On the occasion to which he alluded, the barrister recognised the face of the student as that of a person who had been tried and found guilty of libel. The exercise closed; and, upon inquiry, it was found that the student was the editor of a periodical publication, and had been convicted and imprisoned for libel. It was decided, that he should read no more exercises as he could not be admitted to the Bar. It turned out that the libel was a private, not a political one. But what was the result? The Benchers, those guardians of purity and public morals—those supporters of the Castlereagh factions, were applied to and inquired into the case. They directed the barristers to continue the exercises. They refused. What did the Benchers do then? They undertook to hear the exercises themselves; the consequence was, that the explanations of the student were listened to, and he was by the recommendation of the Benchers, called to the Bar. So much for the supporters of the purity and integrity of the profession. He considered that the Benchers forming, as they did, an irresponsible tribunal, was of itself sufficient ground upon which to institute the proposed inquiry.

Mr. *O'Reilly* felt considerable difficulty in coming to a decision on the present occasion, inasmuch as he found the Motion of the hon. member for Dublin not only mixed up with, but founded upon, the case of Mr. D. W. Harvey. He was sorry the recommendation of the Report of the Common Law Commissioners did not go far enough. As the law now stood, an Irish law student must reside for two years in England and serve his terms, before he could be called to the Irish bar. This was felt as a hardship in Ireland; and if an inquiry was instituted at all, he thought it ought to go sufficiently far as to assimilate the practice in both countries, and place the whole system on a better foundation. In supporting the Motion he wished to guard against giving an opinion upon the case of Mr. Harvey, on which he had had no opportunity of coming to a correct conclusion.

Mr. *Plumptre* expressed a hope, that the proposition of the hon. and learned member for Dublin would not be acceded to by that House; for, if carried to its full extent, interfering as it did with the property of the Inns of Court, and he saw nothing to limit it, it might have the effect of shaking the whole frame of society.

Sir *Harry Verney* did not understand why an investigation into the private character of applicants for admission to the Bar should be deemed of more importance than an examination into the moral conduct of the Members of that House. He should vote for the Committee of Inquiry, because he was anxious to give the hon. member for Colchester the fullest opportunity of vindicating his character.

Mr. *Shaw*, as a bencher of the King's Inns, at Dublin, might be permitted to express his surprise at the introduction of that society, as a sort of make-weight in the Motion of the hon. and learned Gentleman (Mr. O'Connell); for, either in regard to the admission of students or of barristers, or of the application of the funds, there had not been even a suggestion of misconduct or impropriety made by the hon. and learned Gentleman against any Member of that body. The hon. and learned Gentleman had said, that there were considerable funds at their disposal, and some under Act of Parliament; that was true; but then the ground on which the Four Courts stood was their property, and they charged no rent to the public. They had also made over a portion of the land, and some buildings of the society for other public objects, and had then, under their consideration, proposals for a large expenditure of money, in order to promote the accommodation of the two legal professions, as well as of the public generally. The truth was, the professed and real object of the present Motion were not the same. The whole discussion had turned upon a mere personal question regarding the character and treatment of the hon. member for Colchester (Mr. Harvey); if, then, an inquiry into that subject was the real object, let a Motion be brought forward for that particular purpose, and the House could deal with it—but it would be a monstrous thing to consent to the present Motion for inquiring into the general practice of the several Inns of Court and the appropriation of their funds, without not only a *primâ facie* case having been made against them; but not even an allegation of improper conduct, or mal-administration of the funds committed to their charge.

Mr. *O'Dwyer* supported the Motion for inquiry, and assured the House, that they would find amongst the benchers of Dublin a great neglect of duty; and he would add, that instances of peculation were not wanting. He had been credibly informed by a Gentleman, that one individual had appropriated to his own use a sum of 20,000*l*. He assured the House, that he had been so informed by respectable authority.

Mr. *Shaw:* There is not a word of truth in that story.

Mr. *Lefroy* defended the character of the benchers of the King's Inns, Dublin, from the imputations cast upon them by the hon. member for Drogheda, and some other Members. He had been a bencher for some time, and he had never heard of a defalcation on the part of any of these persons to the amount of 20,000*l*., or any such sum, and he was pretty sure, that no such thing had taken place.

Mr. *Lloyd* objected to the present system of calling to the Bar. There should be another and a better test of qualification than that which now existed. He admitted, that when improper persons were called to the Bar, public opinion acted upon them, and he believed there was no instance of any improper person called to the Bar having risen to any eminence in the profession. The best control on the admission to the Bar was public opinion; but that control was not exercised by the benchers. They exercised a capricious control, and, while they rejected some, admitted others whom they ought not to admit. On these grounds, he would vote for the inquiry. He would not enter into the case of the hon. member for Colchester, for he thought it was only incidental to the greater question.

Mr. *Rolfe* would oppose the Motion, but not from any *esprit du corps*, or to uphold the irresponsible authority of the benchers. So far was he from defending that authority, that if no other individual should be found to undertake the task, he himself would bring in a Bill on the subject; but he did not think, that the inquiry should rest on one case of abuse; it should go to the whole question of the irresponsibility.

Mr. *Sinclair* would vote for the Motion. He should wish to give the hon. member for Colchester an opportunity of vindicating his character.

Mr. *Harvey* said, that he had been in that House for sixteen years, during which he had experienced how little chance any man had of receiving its courtesy, if he were unallied to one of the great parties within its walls, or to some of the great families without; but, however that might be, he was sure, they would not forget the feelings of honour or their sense of justice. To those feelings he appealed. He might, if he pleased, make out a case which would bespeak their sympathy, by showing them the losses he had sustained, and the way in which his prospects had been clouded; but he would not attempt anything of the kind. He would say to the House, as he had said by his counsel to the benchers, that he appealed to their justice, and to that alone. He would not claim for himself any exemption from the ordinary failings of human nature. He would admit, that he might have had his full share of the indiscretion of youth, or that he had not been free from the errors of more mature years, but as to the two instances on which so much stress had been laid in his case, he would say solemnly, that if the Acts of his life were to be done over again, he would repeat those two Acts without any scruple. He perfectly agreed in the statement, that the Motion was not one of merely a personal nature; but that it was a question of character, affecting the House of Commons itself. For nothing could be so monstrous, nothing was so insulting to that House, as to assert, than an individual who had been declared unfit to take a half-guinea fee at the Old Bailey Sessions, was yet fit to be a Legislator—was yet fit to hold the station which, in a free country, was subordinate to no other. He had frequently expressed his willingness to refer all the circumstances of his case to any half-dozen Members of that House, who were free from professional bias or from the strong influence of party. He had offered to submit those circumstances to the right hon. Gentleman who had for so many years distinguished himself in the Chair of that House, to be determined solely by his decision; having the full confidence in that right hon. Gentleman's honour, which was shared by every individual Member of the House of Commons. He had offered to submit his case to the decision of the hon. and learned member for Kirkcudbright. He had offered to submit his case to the decision of the hon. and learned member for Edinburgh. He had selected those individuals, because they stood high in professional character, because they stood high in moral character, and because they were wholly unconnected either with the benchers or with himself. In fact, he cared not by what tribunal his cause should be tried, provided it were an honourable one. It was utterly impossible that the matter could rest where it did. The allegations in the speech of the hon. and learned member for Norwich were those of either sincerity or of slander. If of sincerity, let the House grant a Committee, that that sincerity might be established; if of slander, let the House grant a Committee, that that slander might be exposed. That he would so expose it he fearlessly asserted. He could entirely refute the charges of the hon. and learned Gentleman, who, by pursuing various devious paths, and by the abandonment of his principles, had raised himself to the station which he occupied in the world. If he (Mr. Harvey) had pursued the same course as the hon. and learned Gentleman had pursued, he should not be standing there to defend himself against the hon. and learned Gentleman's calumnies. He felt, however, that the question was now come to an issue. The hon. and learned member for the Tower Hamlets had stated, that he (Mr. Harvey) had a remedy against the decision of the benchers by an appeal to the Judges, and that, if he failed in obtaining their decision in his favour, it was not likely that he could make out his case before a Committee of the House of Commons. He had no doubt, that the hon. and learned Gentleman was sincere in his opinion. But when he spoke of any such appeal to the Judges being calculated to elicit the truth, nothing could be more delusive and fallacious. In Westminster Hall, the Judges sat in public, in the eyes of the whole nation; they had power to subpœna and examine witnesses on oath, and the circumstances of every case came to light. But their deliberations on such an appeal as the hon. and learned Gentleman spoke of was conducted in private. They had no right to subpœna and examine witnesses on oath, as the hon. and learned Gentleman supposed. They could see nothing to improve or censure in the system of which they formed so important a part. They sat in Serjeants' Inn Hall. They were brought together with difficulty, and their attendance was not compulsory. Who were the auditors on such an occasion? Only the accusers and the accused. When, on a former occasion, he had appealed to that tribunal, he had been attended by two distinguished persons, the one at present at the head of his profession, the other at the head of the Court of King's Bench. A great crowd had assembled in Serjeants' Inn Hall, but the first word that Lord Tenterden uttered was, that that was not a Court of Justice, and they must retire. Not three weeks before the elevation of the present Lord Chancellor to the Woolsack, he informed him, that he was engaged by a client in a case of as flagrant injustice as his had been, to attend before the Judges on the succeeding Monday at Serjeants' Inn Hall. He told Mr. Brougham, that his going was of no use, and reminded him of what had taken place in his own case. Mr. Brougham had forgotten the circumstance, but, on meeting him (Mr. Harvey) some days after, told him that he had been again unsuccessful. Now, what was this last case to which he had alluded? It was one of the most glaring injustice. It was that of a gentleman who had gone through all the forms necessary to qualify him for admission to the bar—had eaten his one-and-six-penny dinners to their full amount. But the benchers rejected him, on the ground that he was a foundling—that he was a tax-collector, and a receiver of money for the Foundling Hospital. The crime, then, of that individual was, that, being fatherless, he had raised himself by his own exertions to be considered trustworthy enough to receive the monies of that establishment in which he had been brought up. Why, if the being a receiver of rents was a valid objection, some of the most eminent men at the bar were receivers of rents for others. But the Judges who were to decide the appeal, held the objection of the benchers to be a very proper one, and they decided that the party appealing must give up his situation for one year before he could be called—that was, that he should relinquish his sources of income for that time, and become a beggar—in order to qualify himself for the society of gentlemen. What, he would ask, was the use of an appeal to the Judges? It was well known to every lawyer, that no witnesses could be examined on an appeal. Nothing was received but a statement in writing of the evidence that had before been produced. He had a great reverence for the Judges, but not when they sat in secret. Whenever there was secrecy, he always suspected deceit. It was, however, said, that the secret hearing was in kindness to him. It might be so, if he had sought it; but he sought for publicity, not because he wished to satisfy himself of his innocence: but that he might convince that House and the public of it. The hon. Gentleman then referred to the petition which had been presented from Essex, calling for inquiry into his case. That petition had been signed by 5,000 individuals, many of whom were opposed to him in politics, and he asked, whether the House would refuse their prayer. The House had heard what had been insinuated, and more than insinuated, by the hon. and learned member for Norwich. They must have seen from accounts in the newspapers of fees of 400*l.* given to the hon. and learned Gentleman, that he was a man of great tact and great cunning—one who could gloss over the truth and varnish falsehood. Now, what had that hon. and learned Gentleman said? If his remarks were not to go beyond those walls, it would hardly be necessary for him to remark on them; but because all that was said did go beyond the walls of that House, and was received with whatever weight attached to the individual who spoke, he felt it necessary to offer a few observations on what had fallen from the hon. and learned Gentleman on this occasion. The hon. and learned Gentleman had expressed his regret that he should be obliged to state his conviction, that the benchers had decided correctly in his case. The hon. and learned Gentleman had talked of his regret, that he should have been precluded from obtaining what he sought, and added a great deal more of the verbiage of unmeaning kindness. He told the House, that nineteen gentlemen had come to an unanimous decision on the case, and to express more strongly his conviction, he added, that any nineteen gentlemen in England would have come to the same conclusion. Now, what would the people out of doors say to that? His name was associated in the public mind with the Pension-list, and they would ask "Who is this Harvey—what is he?" And another would add, "Did you hear what Scarlett said of him the other evening?" The hon. and learned Gentleman, alluding to the possible choice of electors of an improper person as their Representative, mentioned the case of some individual who had stolen a guinea, but who was subsequently returned for Lancaster, but that he was not spoken to by any Member in the House. Why, if the hon. and learned Gentleman had received a fee of 400 guineas in the case, he could not have spoken more ingeniously for his purpose. Did ever man hear of such polished hypocrisy? The hon. and learned Gentleman had expressed his conviction, that he was properly excluded by the benchers. Now, it so happened, that he had seen a letter from that learned Gentleman addressed to his (Mr. Harvey's) father-in-law, who had been the active supporter of the hon. and learned Gentlemen in two unsuccessful contests for Lewes. In that letter the hon. and learned Gentleman said, alluding to the rejection by the benchers, "I am very sorry for it, but it should not have been so if I could have prevented it." He (Mr. Harvey) lost his own election in a contest subsequent to this, for it was his misfortune to be always jammed in between the two great parties. On one occasion he called on the hon. and learned Gentleman (Mr. Scarlett) with a request that he would nominate him to the benchers for a call to the bar. The hon. and learned Gentleman expressed his willingness to do so, adding "I have seen enough of you in this House to make me think that you are fit to be called to the Bar: but I have heard some things at the benchers' table respecting you which may call for inquiry." He (Mr. Harvey) having expressed his readiness to meet any inquiry of that kind, the hon. and learned Gentleman said—"Do you know Mr. Welsh, the treasurer? he is at the Pulteney Hotel, and has time to go into your case; go to him and give him my compliments, and when he has heard your case, ask him if he will second my nomination;" but, added the hon. and learned Gentleman, as he (Mr. Harvey) was going away, "Remember he is a good Whig," meaning to intimate, no doubt, that as the greater portion of the benchers were Tories, there was not much chance for him being nominated from that quarter. He did go to Mr. Welsh, who received him in the kindest manner, and having heard the whole case said, "Give my compliments to Mr. Scarlett, and tell him, that I shall feel great pleasure in seconding your nomination. I had made arrangements to go out of town, but I shall now remain in town for the purpose of seconding your nomination." That gentleman was present at the discussion which took place on his case, and he came out from it with tears in his eyes, and said, "Mr. Harvey, I cannot stand to listen to the injustice which is done to you." This was the remark of the friend to whom the hon. and learned member for Norwich had recommended him to state his case. Was this injustice to be borne? He would tell the House, that he would not allow the question to stop where it was. It was impossible that he should, and he would tell the noble Lord, without meaning it disrespectfully, that if the House should refuse the present proposed inquiry, there was no occasion, whether of Pension-list or Supply, or any other question on which he could bring it forward, that he would not bring forward a Motion for a Committee to inquire into his case. He had a right to have his character examined, and if the imputations on it were unfounded, as he should be able to show they were, he had a right to a full acquittal. He would say, that if the Committee were appointed, and if they did not give him a full acquittal,—not a report which should gloss over his conduct as the result of youthful inexperience, or of an error in judgment of more mature years, —but a full, complete, and unanimous acquittal of the charges brought against him, he would pledge himself to have a writ moved for Colchester the next day, and to retire from that House. But he would not be put down by other means. See what had been the effect of the imputations made against him. Every man knew how to measure himself, and he would say, that he had as good a right to sit on the bench opposite (the Ministerial bench) as any one of those by whom it was now occupied, and, if any change of Ministry were to take place, he was as able and as willing to serve his Majesty on that bench as any of those who sat on it. What, he repeated, must be the effect of that decision? No man with such a stigma resting upon his character could or ought to hold any situation in that House or out of it. With a view to wipe away the stigma he demanded an inquiry, which was no more than he was entitled to. A Committee of Inquiry had been granted in the case of the hon. and learned member for Tipperary. When a charge was brought against that hon. and learned Member, it was admitted by the whole House to be due to the feelings of honour and justice to grant that hon. and learned Gentleman a Committee of Inquiry. He contended, that it was the same in his own case, and that it was due to the feelings of honour and justice to grant him a Committee of Inquiry. It was due to the character of the House itself. He was at present a member of a Committee of that House investigating circumstances which involved millions of money, and with what propriety could he sit in judgment in such a Committee while branded with such injurious, though unjust, imputations? He had sat in that House for sixteen years, and had expressed his opinions with frankness and with fairness, although, perhaps, not in a manner calculated to attract much sympathy in opinion with him; and he appealed to the House if, during that period, he had on any occasion conducted himself in a manner derogatory to the character of a Gentleman? These nineteen hon. men, however, had declared, that he was not fit for the society of Gentlemen. He should like very much to know what right Barristers had to arrogate an exclusive title to that character, and to deny it to Attornies? He was not aware that the character of Barristers in general stood so high. In conducting their causes, they frequently expressed their anxiety to keep persons out of the Court. The effect of that anxiety, however, was very unfortunate, for it so happened, that it was by following their advice that all their clients got into court. The moral character of an Attorney was of much more importance than that of a Barrister. The Barrister lived alone in his chambers, where he might commit what grossness or obscenity he chose, and had no direct communication with the individuals whose cause he was called upon to advocate. The Attorney, however, must be a man of delicacy and good conduct. He was consulted in private; he was intrusted with deeds and other valuable documents. So far, therefore, from assuming any superiority, Barristers ought to endeavour to bring their character up to a level with that of Attornies. The absurdity of compelling an Attorney who wished to be called to the Bar to pass a certain interval of time in perfect idleness was monstrous. Supposing an apothecary were prevailed upon by his friends to give up his one-horse chaise to obtain a diploma, and to keep a carriage, what would be said of a regulation which should prevent him from being admitted as a physician until he had suspended his medical practice long enough to forget all that he had known as an apothecary? An Attorney must have taken his name off the Rolls for three years before he could be permitted to enter with maiden coyness into the Courts, and become the rival of the practising Barristers. There was another reason why the noble Lord opposite ought to support him in his demand for an inquiry. The hon. and learned member for Norwich had declared, in his exceedingly kind speech, that there were not nineteen honourable men in the kingdom who, if they knew the facts of his case, would not decide against him. That was a libel on the Lord Chancellor of England, who acted as his Counsel on the occasion of his application to the Judges. He had complained of the hardship of his case to the Lord Chancellor, and asked whether he might refer any body to his Lordship on the subject. The answer was,—"The more the better. I think, Mr. Harvey, you have been cruelly treated." This was not mere verbal courtesy, for before Lord Brougham was Chancellor twenty-four hours, he sent for him, and said,—"Mr. Harvey, I wish to make you Secretary to the Charity Commission, not only because I consider you the fittest man for the situation, but also with a view to show my feeling as to the treatment you have received from the Benchers." He had a letter from Mr. Creevy to the same effect. The Lord Chancellor afterwards changed the appointment of Secretary to that of Solicitor to the Commission, and the noble Lord opposite concurred in the appointment. A letter was written, signed "E. Ellice," to Mr. Maule, Solicitor of the Treasury, stating, that the Lords of the Treasury had appointed Mr. Harvey to the situation of Solicitor to the Charity Commission, in the room of Mr. Hinde." That was the Chancellor's conduct towards a person whom no nineteen gentlemen could be found to acquit of the grave charges brought against him! Why did not he have the appointment? Because Mr. Maule expressed his opinion, that he (Mr. Harvey) was not a proper person to fill it, having been rejected by the Benchers. The hon. member for Norwich had said, that he was in favour of inquiry; that being the case, he called on him to support the Motion; but this the hon. Member dared not to do, because any honest and impartial men—any nineteen gentlemen, provided they were not Benchers of the Inner Temple—must fully acquit him, and reverse the decision. Subsequently to his rejection, he applied to be re-appointed an attorney, and those individuals, who had not the courage to oppose him publicly, called the attention of the Law Society to the notice relative to his re-admission, upon which the Committee of Attornies came to a unanimous decision, that there existed no reasonable objection to him. He would be content to abide by the decision of the three gentlemen he had named, or of any others; and if they decided against him, from that hour he pledged himself to resign his seat in the House. He held in his hand a letter signed by 296 individuals of high character (his constituents), who, having read the evidence from beginning to end, came to an unanimous decision in his favour. He doubted whether the hon. member for Norwich could have obtained such a testimonial at Lewes. The hon. Gentleman read the letter. It expressed their indignation at the flagrant oppression, the result of political and personal motives, of which he had been the victim; but the only effect of which had been to increase the number and attachment of his friends. The writers declared, that they considered the Resolutions of the Benchers to be of no weight; that they trusted an investigation of the case would be entered into by a Reformed Parliament; and that they felt grateful for the integrity and talent which he had evinced as their Representative. Why, it might be asked, knowing as he did the character and conduct of the Benchers,—why go before them, and again submit to their Star Chamber Inquiry? Because there was no other mode of making his case known. His object was publicity. He was aware, that, as far as regarded the Benchers, it was, "once excluded and excluded for ever:"—theirs was an irreversible decree. They desired to leave him no *locus pœnitentiæ*, no back door to escape from their condemnation,—their pains and penalties were to fall heavy on him,—were to brand his honour, and to ruin his character. No excuse they admitted,—no palliation they allowed. Surely, even if he had been guilty, they should have considered, that sympathy was due to youth,—that the faults alleged to have been committed were the faults of early life,—that they were redeemed by the practices of after years; and that charity and Christian benignity should have interposed between him and the stern mandates of their rules. His life had been one of active exertion; he had looked to the Senate of his country as the reward of his exertions; he had had the high honour of being a Member of Parliament for many years; his conduct had been before the world, and to the world's verdict he would look. Should the Benchers, then, shut their eyes to all that? Should they not have paused before they had sought wholly to ruin him? Age might have thrown the shield over the errors of youth. But he (Mr. Harvey) required not such mercy; he had done nothing which he was afraid or ashamed to avow,—nothing which he would not do again. His whole life he was anxious should be scanned; let every minute particular be surveyed; let him stand or fall by his acts; but let them alone be brought in judgment against him. Let him not be made the victim of accusations which he denied, of charges which were as monstrous as they were false. He besought hon. Gentlemen, no matter the hue of their party, no matter how they might be opposed to him, no matter upon what side of the House they sat, to do him justice, to adopt the benignity of Christianity, to obey the divine injunction, "to do unto others as they would wish to be done unto them." Let them, again, he would say, examine his conduct, let them do justice to him. By it they would be doing justice to themselves.

Mr. *O'Connell* said, that if the inquiry could be gone into, he meant to withdraw that part of his Motion which related to the revenues of the inns of court.

The *Solicitor General* said, that the hon. member for Colchester should have his assistance if the object were simply to remove the weight of any imputation that might attach to his character, but he objected to an attempt to do that indirectly which ought to be the ground of a substantive proceeding. Why did not the hon. and learned member for Dublin come down to the House, state the case of the hon. member for Colchester, and make a specific motion for inquiring into it? He was satisfied, that the House would not object to such a course, which was due alike to the hon. member for Colchester, and to the House itself. But he objected to the House going into an inquiry relative to certain establishments, not for the purpose of altering them, but in order to give the hon. Member an opportunity to bring forward his case incidentally. He was not surprised, that the hon. member for Colchester should have taken the present opportunity of making the statement he had addressed to the House—the hon. Member's feelings were perfectly natural—but he was rather surprised at the course some other hon. Members had pursued, more especially as the House knew nothing of the particulars of the case. It was true that there was a report on the Table, but the House had not the evidence of Mr. Harvey's case before it, and therefore was not in a situation to form any opinion on the subject. Why did not the hon. Member ask for a Committee to inquire into the circumstances of the case?

Mr. *O'Connell* was ready to withdraw his Motion for the purpose of substituting a Resolution, "That it be referred to a Select Committee to inquire into all the circumstances attendant upon the rejection of the claims of Daniel Whittle Harvey, Esq., to be called to the Bar; and to report their opinion thereupon to the House."

Sir *James Scarlett* rose to order. The hon. and learned Member could not bring on a Motion of which he had given no notice; more especially as the proposed resolution ought to have been preceded by a statement bringing the case before the House.

Mr. *Jervis* said, that if there was any objection to the hon. Member withdrawing his original Motion, for the purpose of substituting the proposed Resolution in its stead, he would move the latter by way of amendment.

The *Solicitor General* said, that he only meant to relieve the House from the consideration of extraneous matter, and bring it down to the point which was the proper subject for inquiry.

The Question on the Amendment having been put,

Lord *Althorp* said, that he thought the original Motion very inconvenient, but with respect to the Amendment, after what had passed in the House, and feeling, as he must, that if the hon. member for Colchester claimed an inquiry at their hands, it was but justice to grant him the required investigation, he for one would not offer the least objection to it.

Sir *James Scarlett* had no intention of opposing any inquiry which the hon. Member, or the House might desire, but he objected because no documents were before the House, and he thought it improper by a side wind to make the original Motion the means of investigating the case of the hon. member for Colchester. He was very far indeed from stating that the benchers shrunk from inquiry; in point of fact, he had stated the very reverse, and he said, that if any nineteen Gentlemen could be found to differ in opinion with the benchers, he should be ready to recant his error. If the hon. Gentleman chose to insist upon an inquiry, he for one was most ready and willing to grant it. The hon. Gentleman, however, ought not to make an *ex-parte* statement as the ground of inquiry, but either the hon. Gentleman or some friend of his should propose to have on the Table the report of the benchers to the Judges and other necessary documents. The hon. Gentleman had printed his own case, it was true. He had not read it, but the House would not think that a sufficient ground for inquiry. The hon. Gentleman had alluded to him in reference to a particular occasion. At that time the hon. Gentleman was an entire stranger to him, who only knew that the hon. Gentleman was connected by marriage with a gentleman with whom he (Sir James Scarlett) was acquainted at Lewes. From that gentleman he received a letter, requesting his assistance, with a view to promote the hon. Member's call to the Bar. With that request he cheerfully complied. The hon. Gentleman himself then told him of some objection that existed to his being called. He informed the hon. Gentleman that he knew nothing at all about it. The only occasion in which he knew anything of the hon. Gentleman before was in connexion with Sir Samuel Shepherd, to whom he (Sir James Scarlett) applied, at the hon. Genman's request, to make terms in reference to some prosecution, but he did not know the result. He stated to the hon. Gentleman that business would prevent him from interfering in the case himself; but he recommended him to Mr. Welsh, a gentleman of high honour, who was since dead, and he requested Mr. Welsh to do the hon. Gentleman all the service in his power. This Mr. Welsh did; and he gave the hon. Gentleman facilities for being heard out of term, in order to prevent him from sustaining injury, if rejected. The benchers heard the hon. Gentleman, and rejected him on his own statement. On that occasion Mr. Welsh felt himself obliged to vote against the hon. Gentleman's admission: in fact, the rejection was unanimous. The benchers, desiring to conciliate Mr. Harvey's feelings, communicated to the hon. Gentleman, through him (Sir James Scarlett), that if he chose to withdraw his application to be called to the Bar, the affair should be buried in silence. The hon. and learned Gentleman took a day or two to consider the offer, and then wrote, thanking him (Sir James Scarlett) for his kindness, but desiring the rejection to be put into such a form as might enable him to appeal to the Judges. This was done. He (Sir James Scarlett) desired his name to be put to the application, so as to give the hon. Gentleman an opportunity to appeal. There his connexion with the hon. Gentleman ended. When the hon. Gentleman appealed he had the advice of eminent counsel, and no doubt if it had been suggested that more evidence was necessary the Judges would have heard it. The Judges heard Mr. Brougham and Mr. Denman for the hon. Gentleman, and came to an unanimous resolution, confirming the decision of the Benchers, and thanking the Society of the Inner Temple for their care of the honour of the Bar. There ended the transaction, and in that situation it remained for several years. Afterwards the hon. Gentleman made an application for a rehearing. It was impossible to obtain a rehearing without the direction of the Judges. The hon. Gentleman applied for the consent of the Judges, and obtained an order for a rehearing, after all the Benchers but four who formerly investigated the case had perished, and when all the Judges but one who decided on his appeal were dead. The Benchers gave the hon. Gentleman a rehearing of many days, several hours each day, the hon. Gentleman being heard by himself, his counsel, and witnesses; and if they had come to a wrong decision he was sorry for it; but, on his conscience, and speaking to the best of his judgment and belief, he thought the decision right.

Mr. *Harvey* had understood the hon. member for Norwich to say, that there were not nineteen gentlemen to be found who would not confirm the decision of the Benchers; now, however, he understood the hon. Gentleman to say, that he would be well pleased to recognize the decision of any nineteen gentlemen on the subject. He could bring plenty of persons to prove that they had heard Mr. Welsh say, he voted against the first decision of the Benchers; and he could also show, that another Bencher had expressed his disapprobation of it. So much for the alleged unanimity of the Benchers. The hon. Member said, that the Benchers' certificate went to the Judges with such evidence as was thought fit, and that he (Mr. Harvey) made no objection. How did the case stand? The certificate went to the Judges on Friday, and he had it on the Thursday evening, about six hours before the inquiry. What time had he to object? The certificate contained documents which the Benchers trumped up after the inquiry had terminated; and it contained other matters to which his attention was never called. The recent inquiry lasted nine nights, during which time there was he, with his witnesses in attendance, at an expense exceeding that of an election committee. The attendance of Benchers varied from nineteen to eleven. Some gentlemen were present only once—some twice; some went in and out from time to time; and such was the nature of the evidence and speeches, that some of the Benchers occasionally enjoyed a very sound sleep. These nineteen gentlemen had said, that they had not heard half the evidence. All they said was, that there appeared no "sufficient" reason. He had written a letter to them, in which he had asked to be merely informed on what particular his case was not satisfactory; but he had met with a refusal, and was told, that he might go to the Judges. Now, with respect to going to the Judges upon a question of this kind, he would read Mr. Chitty's opinion, who was a Barrister, and an eminent one. Mr. Chitty said,—"Although, in form, an appeal lies to the twelve Judges, two or three of them would be Benchers of the same Inn, so that the appeal, in substance, is *ab eodem ad eundem*, and no instance of a successful appeal can be adduced;"—so that there was no chance whatever. The hon. and learned Gentleman might say what he pleased about the unanimity of the Judges, but he wanted to be convinced of it,—the public wanted to know it. Instead of having a short-hand writer and taking the proceedings in bulk, if the reporters for the public papers had been admitted, the public would have read his case in detail, day after day; but the public would not read six days' proceedings together.

Sir *James Scarlett*, in explanation, said, that he had stated originally, in answer to the hon. and learned member for Dublin, that it was a matter of opinion, but that he should be surprised if nineteen gentlemen differed upon the point. At the same time he was ready, if there was ground for it, to recant. With respect to Mr. Welsh, he repeated, that Mr. Welsh did vote against the hon. Gentleman.

The original Motion negatived, and the Amendment,—"That it be referred to a Select Committee to inquire into all the circumstances attending the rejection of the application of Daniel Whittle Harvey, Esq., to be called to the Bar, and that they report their opinion thereupon to the House," was agreed to, and a Committee was appointed.

PUNISHMENT OF DEATH.] Mr. *Lennard* rose to move for leave to bring in a Bill to repeal so much of two Acts of 7th and 8th George 4th, cap. 29, sec. 6; and 9th George 4th, cap. 55, sec. 6,—as was contained in the following words:—"And be it enacted, that if any person shall rob any other person of any chattel, money, or valuable security, every such offender being convicted thereof shall suffer death as a felon." So much had been already done in mitigating the penalty of death for some offences, and the general propriety of the principle so fairly established, not only by the dictates of reason and humanity, but by the testimony of actual experience, that his task, in the present instance, was neither a difficult nor a tedious one. His views upon this subject were in accordance with the declaration of Dr. Johnson, that, by putting the punishment of robbery on a rank with that for murder, murder was brought down to the rank of robbery. The consequence was, that in the present state of the law an offender was often urged to the deeper crime of murder to avoid the conviction of the lesser crime of theft; whilst Jurors very frequently were induced to recommend to mercy or entirely acquit prisoners on charges of robbery whom they would have convicted without hesitation had the penalty awarded been less severe. All the evidence, since the partial abolition of the punishment of death for these offences, went to show, that the number of committals had decreased, whilst the number of actual convictions, and, consequently, the practical efficiency of the law, had materially increased. He appealed on this subject to the best evidence—the evidence of experience—and all experience bore him out in saying, that the repeal of capital punishments had led to an increase of convictions and a diminution of crime. Upon this point he begged leave to call the attention of the House to the following returns, showing the number of crimes committed, at two periods, in England and Wales;—

	First Period, 1827, 1828, 1829.			Second Period, 1830, 1831, 1832.		
CRIMES.	Convicted.	Committed.	Proportion convicted in every 100.	Convicted.	Committed.	Proportion convicted in every 100.
Burglary and House-breaking	1801	2567	70	1956	2632	74
Coining	20	32	62	8	15	53
Forgery	125	213	58	108	180	60
Horse-stealing	429	590	72	411	566	72
Larceny in dwellings	373	531	70	340	483	70
Sheep-stealing	433	689	62	594	848	70
	3181	4622	68	3417	4724	72

These numbers, showing an increase of committals of 102, or 2 per cent in the latter period, proved that there was a virtual decrease, because the whole calendar had increased in the same period 10 per cent, or five times as much as the above. The proportional numbers (in the third and sixth column) showed that the average convictions had increased from sixty-eight to seventy-two in every hundred tried. He had another table which showed that execution did not prevent crime. The hon. Member quoted the following table:—

CRIMES.	1st Period, 1827-28-29.		2d Period, 1830-31-32.	
	Executed.	Committed.	Executed.	Committed.
Burglary and House-breaking	38	2567	18	2632
Coining	6	32	none	15
Forgery	15	213	none	180
Horse-stealing	22	590	none	566
Larceny in dwellings	6	531	3	483
Sheep-stealing	9	689	2	848
	96	4622	23	4721

In the first period, twenty-two persons were put to death for horse-stealing; in the second period, none were executed; yet then there were fewer offences of this description, as was proved by these Parliamentary returns. So of some other offences here stated. But there was another point established by investigating these Parliamentary returns. It turned out that all these offences, from which the capital penalty had been removed, had diminished in frequency, judging by the number of committals, except house-breaking and sheep-stealing; and even these offences had increased less than they did in the preceding period, as would be seen from the following particulars:—

CRIMES.	1824-25-26.	1827-28-29.		1830-31-32.	
	Committals.	Committals.	Increase per Cent. over the former Three Years.	Committals.	Increase per Cent. over the last Three Years.
Burglary and House-breaking	1860	2567	32	2632	2 only
Sheep-stealing.	511	689	36	848	23

In former times, there were hundreds and hundreds of persons who committed these crimes who had never been prosecuted. There was now hardly an instance to be found where prosecution had not followed the commission of the offence. He thought that these facts were sufficient to warrant him in asking the House to lend their assistance in revising the state of the law in reference to the offences to which he had alluded. The hon. Member concluded, by moving for leave to bring in a Bill.

Lord *Howick* said, that, as he understood, the hon. Member proposed to repeal the punishment of death only so far as regarded acts of robbery committed without gross violence and ill-usage, it was not his intention to offer any opposition to the Motion. He believed, that the progressive mitigation of the law agreeable to the dictates of humanity, which had, of late years, taken place, was most eminently successful. Perhaps it would have been better to have abstained from further legislation till the reports were before the House upon the whole state of the criminal law; but as a different course had been followed by the House upon the occasion of the Motion of the hon. member for Liverpool, he should offer no objection to the introduction of the Bill.

Leave was given.

REGISTRY OF BIRTHS, DEATHS, AND MARRIAGES.] Mr. *Brougham*, notwithstanding the lateness of the hour, felt himself bound to proceed with the measure which he had now an opportunity of bringing forward; but in consideration of the advanced period of the evening, he would state, as briefly as possible, the nature of the measure which he had the honour to propose. It was unnecessary to preface this subject with any remarks on the want of parochial registration—of a registry of Births, Deaths, and Marriages—and as this was the only civilized country in Europe which did not enjoy the advantages of a registration of this description, he would at once pass to another point. When he first contemplated this measure, he had proposed to incorporate with it some mode for the celebration of marriage among Dissenters, which would remove the obnoxious feeling which obtained among them at present in connexion with this subject. Such a design was comprehended in the measure which had lately been introduced by his noble friend, the Paymaster of the Forces; but the dissatisfaction of those for whose relief it was intended, though he would not stop to discuss the question whether that dissatisfaction were reasonable or not, had caused the progress of that Bill to be suspended, for the present at least; and this circumstance had induced him to proceed with his original intention. He would remind the House, that certain objections (he did not pretend to say whether they were or were not well-founded), were entertained by the Dissenters to the provisions of his noble friend's Bill. The first objection was, that they brought the parties into unnecessary contact with the clergymen of the Established Church; and that, as the banns would be published in a place of worship where the parties would not be known, because it was not frequented by members of their peculiar religious persuasion, and before persons who would have no interest in interfering with the bans, no protection could be given by the supposed publicity; and that, therefore, its only object was, to produce a fee for the clergyman. Another objection made was, that the application to be married by licence brought them again into contact with an officer of the Church of England, who styled himself in the licence, "Bishop by Divine Providence." They urged, also, that a Dissenter who wished to be married, would have to go to the clergyman to put up the bans, and of course pay a fee; next, he must get a certificate from his own minister to prove him a Dissenter; then the bans must be put up by the clergyman of the Established Church; then the marriage ceremony was to be performed by his own clergyman; and then he must pay a fee to the registrar for transmitting the record to the diocesan of the see. Now, he would not enter into a discussion on the propriety of these objections; but if some measure could be devised which would have the effect of banishing, or at least neutralizing, this ill-feeling,—if something of this sort could be done,—he thought his pains would not have been ill bestowed. He would shortly state to the House, the heads of the Marriage Bill which he had prepared, although he had not yet given notice of an intention to bring in such a Bill; but it had been prepared in such a manner, that if the House should sanction the Registry Bill he had now to propose, it could be made to follow on the shoulders of that measure. His plan was, that buildings for the celebration of marriage should be enrolled and licensed at the quarter Sessions, and that persons should be there qualified to celebrate marriages with such religious ceremonies as the peculiar tenets of each sect might require. He did not say, that the Justice of the Peace who was to grant this licence must of necessity be a layman, because, although the Dissenters might wish to avoid any contact with a justice who was also a clergyman of the Established Church, it would be extremely inconvenient to confine these powers to lay justices of the peace. In many counties of England, with such provisions in the Bill, a dissenter would have to travel thirty or forty miles before he got a licence, and, in the county of Suffolk in particular this would be sure to happen. Marriage was perfectly distinct from a religious ceremony; it was only a civil contract. He proposed that any Justice of the Peace might be authorized to give a licence, whether he were clergyman or layman, and he would make it necessary for the parties contracting marriage to show that they were in all respects qualified to contract it, as they now were before the performance of the present ceremony. The plan he proposed would, in his opinion, afford as great protection against the improvident and fraudulent marriages as was now attained from the intervention of the surrogate or the licence of the Archbishop, and a greater protection than was now afforded by the publication of bans, under which system he maintained there was extreme facility for the formation of improvident or improper marriages. The next provision he would make was, that the minister to perform the ceremony should not be authorized to do so until he had first received the certificate. The course to be pursued, then, was this:—The parties went to the registry-office and proved before the register that they were in all respects, as demanded at present, capable of contracting marriage. They obtained a certificate or licence, and this they were bound to deposit for one fortnight in the hands of the minister to officiate, before the marriage could take place. This was the *minimum* time, but the licence was to remain in force for three months, during which, at any moment, the Minister might perform the ceremony according to the form of religion professed by the parties. Now, if it should appear, that this Bill would satisfy the Dissenters, and remove those objections which they felt to the measure proposed by his noble friend (Lord John Russell), it would be desirable in his opinion that it should be dovetailed with the Bill for the registration of births, deaths, and marriages.

Referring to the latter measure, he apprehended, that the great principle on which they should legislate was, that registration should be made as much a civil and as little a religious ceremony as was possible. The registration of marriages was to be distinguished from the registration of deaths and births; he would deal with the latter in the first instance. He proposed to provide in every parish a civil officer to register the facts of deaths and births, and to transmit the records from time to time to a central office in London. Theretofore all plans with such objects in view had been met with this difficulty in the outset. There were 15,000 or 16,000 parishes in England and Wales, and the expense of the necessary machinery to register and transmit would be enormous. A great number of officers would be required, since it was obvious, that to have a registry complete, each register should only act within narrow limits. Deaths and births could not, as being of constant occurrence, be registered with the certainty or the facility of deeds or instruments. The expense of the machinery, he calculated, would amount to nearly 800,000*l.* a-year. Therefore, unless he could exhibit some device by which the object could be attained at a far less cost, the question could not be entertained by that House. The population of England and Wales, according to the census of 1831, was 13,897,187. These were distributed nearly as follow :—

Parishes or places containing Inhabitants.	No. of Parishes.		Persons.	Population.
Less than 100	. 1,907	averaging	50 .	95,350
From 100 to 300	. 4,774	—	200 .	954,800
From 300 to 500	. 3,121	—	400 .	1,248,400
From 500 to 1,000	. 3,038	—	700 .	2,126,600
From 1,000 to 10,000	. 2,567	containing	— .	6,135,399
Above 10,000	129	containing	— .	3,332,561
	15,536			13,893,110
		True Population		13,897,187
		Error of the averages		4,077

Thus it appeared the minimum was 100; the maximum was not 1,000; the average number of entries in the year then would be thirty-five. He had constructed a table of births and of deaths, and he had ascertained) that there were three per cent of births to the population, and two per cent of deaths. Therefore this gave an average of five per cent of entries of both deaths and births upon the population. There was a less per-centage of marriages on the population. From Mr. Rickman's estimate of baptisms, registered and unregistered, it appeared, that the proportion was one in thirty-four; the proportion of births deduced from the table of mortality, formed from Rickman's table of burials, was one in 33.4; the births might therefore be taken at three per cent; the deaths at nearly two per cent; the marriages one in 128; births and deaths five per cent on 13,897,187, or 694,859, nearly 700,000; marriages, 110,000—810,000. Now, the parishes in which there was the largest amount of population were not the greatest in extent. In some the population was scattered over a large surface. The number of officers accordingly required for parishes with a population above 10,000 would not be so great in proportion as would be required for parishes with a population below 10,000. Therefore, he had only to deal with the more populous parishes; there would be no difficulty in providing proper officers and paying them; but the difficulty of a general registration was to provide, say 12,000 officers for the various parishes throughout the country, and thus put an end to any project which should have for its basis the actual appointment of officers for the purposes of registration. Now, it occurred to him, that if machinery could be taken which was now at work, and that they, by some modification of it, could apply it to the purposes of registration, two great advantages would thus be attained—first, a saving of expense in the experiment; secondly, a diminution of the risk of failure. At that moment England and Wales was divided into districts for the purpose of the collection of the taxes. There were 190 surveyors of taxes, and there were 129 districts, in each of which there was a person under the control of the Commissioners of Taxes. In every parish and township of England and Wales there was a person called an assessor, and one called a collector of taxes. The assessor was generally chosen by the parish, subject to the approval of the Commissioners of taxes. Sometimes, however, in small rural parishes, both offices were held by the same individual. It appeared to him that if the collector, who was generally an intelligent [and competent person, could be made use of for the registering of births, and deaths, great advantages would result from it. They were already paid by a per centage upon the taxes collected, and by a small salary; the machinery was all prepared, and had been found to work well. They were in regular communication with the surveyor, and he with the London Board. He had received from Mr. Wood and gentlemen connected with the Treasury, and in answers from the surveyors, information to the following effect:—"The collectors always serve more than one year, when practicable and best for collection. In towns they are generally respectable tradesmen—men of intelligence; in country places the schoolmaster, or respectable farmers, or yeomen: generally speaking they would be perfectly competent; but it would be important to make them as permanent as possible, and no doubt a capable person might be found in every township. The surveyors meet the collectors frequently—not less than six times a-year, and might superintend the register without interference with their tax duties. The plan is very practicable." The surveyors to whom he had written, all approved, he hoped the House would believe, of the plan, and declared the collectors competent to perform the work. He should therefore propose to make the collector of taxes the civil register of births and deaths, and to provide him with a book containing tabular forms, in which he was to make entries. He was also to be provided with a number of loose sheets, on which he was to make entries, and transmit each sheet, as soon as it was full, to the surveyor, who would afterwards forward it to London. The entries made in his book would form duplicates to those upon the loose sheets, and when the volume was full, the registrar was to deposit it in a parish church as a place of safe custody. While the registrar had the volume in his keeping, he was to furnish any extract or information which might be required from the volume; but after it had been deposited in the Church, application should be made to the clergyman of the parish. He did not think Dissenters could reasonably object to this arrangement. Its object was, to provide a place of safety for the register, and in the event of the Dissenters meeting with any inconvenience through the conduct of the clergyman, who in respect of that register would be only acting as a civil officer, they might at once obtain the information they desired by application to the London Board, with which it was impossible they could be brought into collision by any matters of religious difference. The next question was, how were these officers to be paid? It was obvious, that in rural and small districts, where the number of entries would be small, the scale of remuneration must be greater than it would be in populous places. He thought it was a just principle to regulate the payment of the registering officer according to the number of entries which he made. They ought to give him a direct interest in making as many entries as possible, and therefore he should be remunerated by fees. The scale of payment which he considered most just would be to give, as a fee upon each of the first ten entries, 5*s.* This might appear large; but if they recollected how many places there were in which the number of entries in the year would not exceed ten, they would see that the 50*s.* would not be too great a remuneration for the officer. For each of the next ten entries he proposed to give a fee of 2*s.* 6*d.*; and for all entries above twenty a fee of 1*s.* each. The House would at once perceive the principle of this arrangement. It would not give too large emoluments in populous parishes, or too small in rural districts. The result would appear from the calculation he would read. The hon. Gentleman then read the following table, in which the first column of figures presents the number of places averaging certain entries, which are given in the next column:—

SCALE OF PAYMENT.

		£ *s.* *d.*	£ *s.* *d.*
1,907	50 or 2½ Entries	0 12 6	1,191 17 6
4,774	200 or 10	2 10 0	11,935 0 0
3,121	400 or 20	3 15 0	11,703 15 0
3,038	700 or 35	4 10 0	13,671 0 0
2,567	2,400 or 120	8 15 0	22,421 5 0
129 places above 10,000, supplied with 150 registrars, each having 22,000, or 11,000 *entries,*		57, 15 0	8,662 10 0
			69,585 7 6

Thus it appeared the expenses of registration were 69,585*l.* 7*s.* 6*d.*, and he submitted to the House whether the services of 16,000 officers were not cheaply procured at that rate. The expenses of the registry-office in London was not included in this, but they would be trifling nor was the expense of the surveyors included, which would be also small. These he proposed to pay by small fees, which would give them a salary of from 30*l.* to 35*l.* a-year. It had been suggested to him, that it would be well to have the whole expenses of the machinery of registration paid out of the Consolidated Fund. He, however, preferred the plan of having it raised by a rate on each parish, and proposed to have the registrars severally paid by the overseers of the parishes. The benefit to be derived from this he conceived would be, that the parish officer would act as an effectual check upon the Registrar; and that this would tend to make the registry more pure and complete than it otherwise could be. The interest of the registering officer would be to make as many entries as possible, and the interest of the overseer would be to permit as few. The expense, too, would press equally, not, as by the other plan, fall heavily upon the rural districts; and it would fall lightly upon all. By the census of 1831, it appeared there were 2,911,874 families in England and Wales, and the cost of the proposed plan would, upon a charge of 69,585*l.* 7*s.* 6*d.*, be to each family about 5*d.* He proposed, that the superintendants or surveyors should be paid by the London office. As to that office, if his plan were adopted, the registry-office would become a branch of the tax-office. An officer, entitled the Registrar-General of England and Wales, should be appointed, subject to the control of the Commissioners of Taxes; and that officer would, in his opinion, be amply remunerated for his labours by a salary of from 500*l.* to 600*l.* a-year. Of course he should have some clerks, the number of whom would probably increase in time, when the London-office became the great place of search for evidence touching births and deaths. The superintendants were to send in the records quarterly to this office. The entries were to be at once indexed. He thought it better to have them only indexed, filed, and placed in bundles. In cases of marriage these entries were the autographs of the parties, in cases of births and deaths the depositions of the witnesses. It had been suggested, however, that it would be better to have the entries fairly copied into a volume, upon the ground that the writing in the original document, and the state in which it arrived at the London-office might render it unfit for the purpose of reference. He would next show how the entries were to be obtained. He did not think it would be possible in this country to make the registration compulsory upon the parties immediately concerned under the sanction of heavy penalties, as was done in France and other foreign countries. On the other hand, it was impossible to have a perfect system of registration without something more than the voluntary communication of the parties. He proposed, then, that the occupier of every house should be bound to give notice within three days to the registrar of the fact of any birth or marriage which might have taken place therein, under a penalty to be recovered before a justice of the peace by a judicial process; the power of remitting the penalty, if he saw fit, being left to the justice. It would next be the duty of the registrar to ascertain from inquiry the sex of the child, its name, and that of the parents, and to enter these together with the time and place where the child was born. He should also endeavour to discover the occupation of the father. Further, he had to say, that there was to be no penalty on the parties concerned for refusing information; but there was to be a penalty for giving false information. In cases of deaths, no person was to be authorized to bury the body without the production of the register of the death; the name, sex, age, and occupation of the dead person was to be entered on the record. To prevent fraudulent attempts to represent children as legitimate, who were really not so, he proposed to provide, that unless a birth was registered before the expiration of fourteen days after it was alleged to have taken place, the entry on the registry, though permitted as a record of the fact of a birth, was not to be admitted as legal evidence of birth. The same rule was to apply to the record of deaths. As to the registry of marriages, if they enacted, that marriage was only to be a civil contract, the person before whom the contract was entered into might also be the Registrar. He did not approve, however, of shocking by such an enactment, the conscientious feelings of a large portion of the community, who believed, that it was the religious ceremony, and not the civil contract, which made the marriage binding. Seeing, too, that there would be great difficulties and inconveniencies arising from the appointment of a Registrar to attend at marriages as a witness, and record them for registration, he proposed, that the officiating clergyman, of whatever persuasion he might be, should be the Registrar in each case of the marriage which he solemnized, or the marriage contract at which he presided. If any sects should object to go to the Church of England, even for the purposes of search, they must keep books themselves; although it certainly would be inconvenient to the community generally, that one register should be kept in the parish church, and another in the house of a Baptist minister. There were various other points of detail to which it was unnecessary at that time to advert. He might, however, state that a printed formula would be made out, setting forth the manner in which registration would be effected; and thus the people would gradually become familiar with the new system which it was proposed to introduce. The hon. and learned Gentleman moved for leave to bring in "a Bill to establish a register of all Births, Marriages, and Deaths throughout England and Wales."

Lord *Althorp* said, that the hon. and learned Gentleman had explained his plan in a way which must have rendered it intelligible to every one who had listened to him. The plan promised to be one of a practicable character, and the expense attendant upon it would not certainly be nearly as great as would be necessary, in order to carry any other plan which had been proposed into operation. He hoped, that the details of the measure would be rendered so perfect, as to enable it to work well. It appeared to him, that with respect to the greatest part of the plan, there would be no difficulty whatever in carrying it into operation; but there might, perhaps, be some objections to that part of it which related to communications with clergymen. All difficulty upon this point, however, might be overcome by the establishment of a general registration-office in London, as proposed by the hon. and learned Member. It was in his power to confirm what had been stated with respect to the practicability of employing individuals in the Tax-office department in carrying the details of the Bill into operation. Mr. Wood, of the Tax-office, had informed him, that the hon. and learned Member's plan might be adopted without disadvantage to the conduct of that office. Under these circumstances, he would offer no obstruction to the introduction of the Bill; but would reserve to himself the right of making such suggestions as he might think fit.

Lord *John Russell* also thought, that it would be a national benefit to pass such a measure as was proposed to be introduced, founded upon the principle that registration was altogether a civil proceeding. There was no sacrifice which the country ought not to make, in order to get rid of the present imperfect system of registration. He entertained some doubt as to whether that part of the hon. and learned Gentleman's plan, which related to marriage, would afford sufficient security against improper marriages. It would, he thought, be necessary to provide some means of obtaining publicity upon this subject, which was required, not for the Church, but the State. No doubt this object would be attained by the introduction of some words when the Bill should be in Committee. He was extremely glad that such a Bill was about to be introduced. The principle on which it was founded, was one on which Parliament ought to proceed in legislating.

Leave was given to bring in the Bill.

HOUSE OF LORDS,

Wednesday, May 14, 1834.

MINUTES.] Bills. Read a second time:—Sale of Hay Act Amendment.—Read a third time:—Sale of Fish Act Amendment.

Petitions presented. By the Bishop of LONDON, from several Places, against the Claims of the Dissenters; and from one Place, against admitting Dissenters to the Universities; from a Number of Places, for the Better Observance of the Sabbath.

WARWICK DISFRANCHISEMENT BILL.] Counsel were called in, and the examination of witnesses on this Bill resumed.

Mr. Sergeant Heath felt it his duty to call the attention of their Lordships to a paragraph which appeared in a morning paper of that day, and which was calculated to excite a strong prejudice in the public mind against the case which he had the honour to advocate, inasmuch as the statements put forth in it were likely to operate so as to prevent witnesses from coming forward and tendering their evidence in such a manner as would give effect to the Bill now pending before their Lordships' House. He would say nothing further on the subject, but merely confine himself to reading the paragraph, leaving it to their Lordships to take such steps on the matter as to them should seem meet. The learned gentleman then read from the *Morning Post* of the day, as follows:—

'Certain it is, that since the conclusion of 'the examination of the first two or three 'witnesses, he (meaning the Lord Chan-'cellor) appears to have entertained a con-'viction, that the Bill must not pass; that

‘ it is based on the foulest conspiracy, and ‘ supported by the foulest perjury. We ‘ must say, that in the defeat of this con- ‘ spiracy, and the detection of this perjury, ‘ he has exhibited both acuteness of per- ‘ ception, and integrity of purpose.’

The *Lord Chancellor* said, that so far as he was concerned, so far as the paragraph which the learned Counsel had read alluded to him, nothing could possibly be more unfounded than the statement therein set forth. Not only was it not true that he had expressed any opinion, but up to that time he had formed no opinion on the subject; for how could he, when he had only partially heard one side of the case? It was his invariable practice to hear both sides before he made up his mind on any case, and from that rule he should not depart on the present occasion. He repeated, that he had not formed, and could not form, for the reasons he had stated, any opinion; and a single word had not escaped him which could justify any such erroneous inference.

Mr. Sergeant Heath said, that he would at present make no further application to their Lordships on the subject; but he at the same time deemed it right to say, that in future he should feel it his duty to apply to their Lordships to protect the persons who came forward as witnesses in the cause from such attacks.

The Earl of *Durham* said, that his name had also been used in the newspaper alluded to, and that all that was stated respecting him was neither more nor less than a gross and impudent fabrication. Words were put into his mouth that he had never uttered; but at present he would not deign to notice such conduct further, than to repeat, that it was not only a gross and impudent, but, he would add, a wilful, fabrication.

The *Lord Chancellor* had only a word or two to add to the observations he had already made. He wished to tender it as his advice, that their Lordships should abstain from taking notice of publications of the description of that alluded to until they were so often repeated, that they could not shut their eyes to them. He concurred with his noble friend, that it was better not to notice the matter this time. The noble and learned Lord then said, that as the examination of the witnesses in support of the Bill was likely to occupy a considerable time, they should commence sitting each day at four o'clock rather than begin at an earlier hour.

The subject was dropped.

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HOUSE OF COMMONS,

Wednesday, May 14, 1834.

MINUTES.] Bills. Read a second time:—Warwick Witnesses' Indemnity; Capital Punishment; Bodies of Criminals; Navy Pay.

Petitions presented. By Colonel EVANS, Messrs. T. ATTWOOD, BAINES, and RUTHVEN, from several Places,—against the Poor Law Amendment Bill.—By Mr. EWART, from Liverpool, for an Inquiry into the State of the Ecclesiastical Law.—By Mr. SLANEY, from Woodbridge, in favour of the Poor Laws Amendment Bill.—By Mr. PARKER, from the Sheffield Mechanics' Institution, for Endowments for the Masters and Lecturers engaged by that and similar Institutions.—By Colonel CONOLLY, from Individuals in Ireland, against the Turnpike Roads (Ireland) Bill.—By Mr. ABERCROMBY, from Edinburgh; and by Mr. PARKER, from Sheffield,—against the Corn Laws.—By Mr. PEASE, from Darlington, for a Remedy against the Gin Shops; from two Places, for Vote by Ballot; from the Seamen of Darlington, against the Payment of Sixpence to Greenwich Hospital; from the same Place; and by Mr. VIVIAN, from several Places,—for the Repeal of the Export Duties of Coals.—By Mr. BANNERMAN, from Aberdeen, for the Revival of the Act relating to Partnerships in Scotland; for a Light-House on the Middle Sand; against Clandestine Emigration to the United States; for the Repeal of the Stamp Duties on Receipts; and by Mr. ABERCROMBY, from Edinburgh and other Places, to the same effect.—By Mr. DENIS O'CONNOR, from several Places, for the Abolition of Tithes.—By Messrs. PEASE and TOOKE, from Darlington and Gloucester, against Employing Boys in the Cleaning of Chimneys.—By Mr. BAILLIE, from the Chimney Sweepers of Bristol, for a Clause in the Bill concerning them.—By Sir GEORGE STAUNTON, from Llandinam, for the Abolition of Tithes.—By Mr. HAWES, from several Parishes, against the Parish Apprentices Bill.—By Captain GORDON, from several Friendly Societies, for an Alteration of the Act concerning them.—By Mr. HAWES, from Coach Proprietors, and others, against the Dover Road Act.—By Captain GORDON, from several Places, against the present System of Church Patronage in Scotland.—By Mr. ABERCROMBY, from Edinburgh, for an Inquiry into the Operation of the Tea Duties Act; and from Greenock, against any Alteration in the same Act; from the Handloom Weavers of Paisley and Aberdeen, for Relief, and for a Board of Trade; from the Linen Weavers of Arbroath, for a fixed Rate of Wages; from Aberdeen and Greenock, in favour of the Sabbath Observance Bill; and from Renfrew, against the same.—By Mr. THOMAS ATTWOOD and Mr. BAILLIE, from several Political Unions,—for the Remission of the Sentence on the Dorchester Labourers.—By Mr. THOMAS ATTWOOD, Mr. ABERCROMBY, and Mr. BANNERMAN, from several Places,—for Relief to the Polish Exiles.—By Earl GROSVENOR, Messrs. TOOKE, R. PALMER, and Mr. MILES, from several Places,—for Amending the Sale of Beer Act; and by Mr. F. PALMER, from Reading, against any Alteration in the Act.—By Messrs BAILLIE and BLACKBURNE, from several Places, —for the Better Observance of the Lord's Day.—By Earl GROSVENOR, Lords BRUDENELL, and NORREYS, and Mr. PALMER, from several Places, for Protection to the Established Church.—By Mr. THOMAS ATTWOOD, from the Debtors confined in Cambridge County Gaol for an Alteration in the Law relating to Imprisonment for Debt.—By Lord NORREYS and Mr. MILES, from a Number of Places, against the Universities Admission Bill.—By Earl GROSVENOR and Sir ROBERT PEEL, from Derbyshire and other Places,—for Relief to the Agricultural Interest.—By Messrs. BAILLIE, ROLFE, PALMER, and Lord NORREYS, from a Number of Dissenting Congregations, —for Relief to the Dissenters.—By Sir RUFANE DONKIN, from Berwick-upon-Tweed, against the General Register Bill.

POOR LAWS AMENDMENT—(COMMITTEE).] On the Order of the Day being read for going into a Committee on the Poor-laws Amendment Bill, Mr. *Godson* rose to propose a Resolution in the nature of an instruction to the Committee. In the course of the discussion on Friday evening, whilst hon. Members had spoken against some of the provisions of the Bill, they had generally expressed themselves in favour of its leading principles. It appeared to him, on this account, that this measure ought to be subdivided into two Bills, each to be considered distinct from the other. He would propose, that all that part of it which was concerned in repealing past statutes, and enacting new ones in their stead, should form a separate Bill by itself; whilst that which related to the appointment of the Central Board, and the power with which they were to be invested, should be in another Bill. The question would thus be divided under two distinct heads,—first, the laws which would be enacted; and secondly, the authorities by which those laws were to be administered. During the debates on the Reform Bill, which had been so much altered during its discussion in that House, it was maintained, and very reasonably too, that it should be divided into two enactments; that the question of disfranchisement was enough for one Act, and the question of registration enough for another Act, if not for another Parliament. When the right hon. Baronet (Sir Robert Peel) brought forward his measures for the reform of criminal law he did not lump all crimes and penalties together, but judiciously classified them, and placed one order of offences with their concomitant punishments in one Bill, and another in another. So should it be in the present case; arrangement was desirable. When it was considered that the seven million of taxes levied on the country as a provision for the poor were to be placed under the control of a single party,—when it was considered how many subjects and enactments were to be jumbled together in the Bill,—emigration, vagrancy, poor-houses, a Board of Commissioners with power greater than that of the King or Legislature, bastardy, and settlement;—when it was considered, that not less than 484 Acts of Parliament were to be repealed or greatly altered, and that 1,800 cases were advanced in the Report on which to found Legislative Acts applicable to each case; when it was considered that all these great changes were proposed to be effected by one single sweeping Act of Parliament,—he felt called on, as a Member of Parliament, representing the opinions of a large and intelligent constituency, to interpose his voice and influence against such a wholesale and sweeping measure. When he saw Commissioners, whose power out-topped that of any known tribunal in the country, armed with the formidable authority of appointing Deputy Commissioners to support the views of their superiors, and that these Commissioners were to have the power of making laws without any appeal—an authority that the King or Parliament separately did not possess,—then he felt alarm at this project of a Reform Ministry. But it was not nine Deputy Commissioners who might be appointed; an order of the Treasury might create by its single fiat ninety-nine.

The *Speaker* said, that the hon. Member was not speaking to the exact Motion before the House, which was, whether a power be delegated to the Committee of the whole House to divide the Bill into two Bills or more. He admitted, that the hon. Member was putting his arguments with force; but he should remind him, that they were not exactly pertinent to the subject at issue, and could not, at this stage, receive an answer. The hon. Member was speaking to the principle and general efficacy of the Bill, not to the Motion.

Mr. *Godson* said, that he meant to speak, and imagined he had spoken, to the question. He said, that the Bill gave the Commissioners unconstitutional and unknown powers; it invested them with kingly, judicial, legislative, and administrative functions,—a power beyond precedent or public safety; and he contended, that there should be a separate Bill from the Bill which went to amend the Poor-laws. He did not say, whether the present measure by itself was good or not; its principle he did not touch on; and so far he felt he was in order. It was, he maintained, too much when a power of such vast extent was to be given to three men, who were authorised to debate and decide with closed doors, in contempt of all the formularies of the established Courts of Law, and the wise safeguards thrown around the protection of the subject. Evidence—fact—everything they were at liberty to dispense with; they were free to do everything, and bound to do nothing. That was, in his opinion, a sufficient reason why those powers should be set forth in one Bill dedicated to that object alone.

Lord *Althorp* here rose. It was unfair to the movers and supporters of the Bill to be called on to answer statements that should rather be reserved for another stage of the proceedings.

Mr. *Godson:* It was not surely unfair for him, representing an intelligent, enlightened, and, he might say, wealthy constituency of 10,000 persons, to express his opinion and theirs on the tendency of the Bill. If his arguments were so good [*A laugh*]; yes, if so good, that it was found very inconvenient by the noble Lord to answer them, why should the noble Lord attempt thus to check him on a point of form, or, if so bad, why should the noble Lord check him in his injudicious course of argument?

The *Speaker* said, that the hon. Member did not seem to apprehend the exact nature of the question before the House. When the House went into Committee, then would be the time for him to show that it was expedient to divide the Bill into two or more Bills. If his arguments were good before the Committee, his moving for any instructions to them would be unnecessary.

Mr. *Godson* said, that he would not then occupy the time of the House longer. The two parts of the Bill were of sufficient importance to be made the subjects of separate legislation. He would then only move his Amendment:—"That before going into Committee on the Poor-laws Amendment Bill, it be an instruction to the Committee to separate that Bill into two or more Bills,—Bills to amend the old laws and enact new laws; and one Bill to provide an executive power, for a limited time only, to carry the Poor-laws with uniformity into effect throughout England and Wales."

Colonel *Wood* seconded the Motion, and reminded the House, that he had originally proposed such a measure, which had also been recommended by the hon. Baronet, the member for Westminster. He had not voted on the second reading, because, on the one hand, he did not think the Bill could be modified so as to render it unobjectionable; and, on the other hand, because he did not like to oppose the Ministers, who had manfully come forward to grapple with a subject of the greatest difficulty and importance. He thought, that the Bill should be divided, because, in one part, it constituted a new system of Poor-laws, and in another established a Board, with power to make the necessary regulations. The law of settlement was materially changed; and he apprehended that, in manufacturing districts, the alteration would be strongly resisted. In his opinion, the law of settlement should be made the subject of a separate enactment. As regarded the provisions of the Bill relative to bastardy, he was confident, that if the maintenance of illegitimate children were imposed solely on the mothers, it would become necessary to establish in every part of the country schools of industry for foundlings. He contended, that it was impossible to hope to carry the Bill into operation without some such provision; and this alone was a reason why a Bill distinct from the present measure, and embracing the law of settlement, ought to be passed. There was another matter introduced into this Bill unconnected with the Poor-laws; he alluded to the Vagrant-law. In the Commissioners' Report on vagrancy, the Assistant Commissioner, who drew up that Report, seemed to entertain the strangest opinions. Mr. Chetwynd observed, that in the year 1821, the Committee which then sat recommended a total alteration of the law of vagrancy; and a Bill was introduced, the principle of which was this,—to abolish the system of passing vagrants to their parishes. It appeared that, against Mr. Chetwynd's wishes, a clause was introduced into the Bill, enabling the visiting Justices to pass vagrants from one part of the country to another. The General Gaol Act was passing through the House at the same time, which gave the power to pass prisoners from their place of confinement to the place of their last abode. Now, these clauses of these two Acts were repealed by the present Bill; but then another power was given, enabling the Commissioners to do the same thing. He must beg the House to pardon him for going into such details; but he did not see how he could properly explain the course he intended to pursue without troubling the House with these particulars. Complaints had been made to the Secretary of State for the Home Department of the indiscriminate use which Magistrates made of the Gaol Act and the Vagrant Act for the passing of vagrants. It had been his intention last year to bring in a Bill to repeal these clauses. Instead of the Commissioners having additional powers given to them, he thought that the shortest course would be to repeal, by one Bill, the objectionable clauses in the Vagrant and Gaol Acts, and restore the law to what the hon. and learned Member who introduced the Vagrant Act intended it to be,—viz., a law solely for the punishment of vagrants, and not for circulating them all over the kingdom. He thought it highly desirable that the present measure should be divided; and, as a security against any loss of time, he did not see why some of the measures—for instance, one relating to the Law of Settlement, or to the Bastardy Laws, or to the Vagrancy Act—should not originate in the other House, where such Bill or Bills could be passed, *pari passu*, with the measures carried through the House of Commons. He should say, that the Bill ought to be divided into four Bills. First, the establishment of the Central Board; secondly, the alteration in the Law of Settlement; thirdly, the amendment of the Bastardy Laws; and fourthly, the remedy proposed of the evil resulting from the Vagrant Act; this last being a matter that had been allowed to creep into the Bill, though, properly speaking, it had nothing at all to do with it.

Lord *Althorp* said, it was true that, in this Bill a great number of important subjects were detailed, and, no doubt, many of them were measures that might be made the subjects of separate Bills; but, in his judgment, it was no reason for objecting to consider all these subjects in one Bill, to say, that they were each of them of great importance. If they were matters connected together, by their bearing on one common subject, that appeared to him to be a very sufficient reason for retaining them all in this Bill. The hon. member for Kidderminster had illustrated his objections to the proposed plan, by referring to the course pursued by the House on two former occasions. He alluded to the inconveniences which he said were admitted, during the Debates on the Reform Bill, to have resulted from that not having been a divided Bill; and he alluded also to the Amendments of the Law introduced by the right hon. member for Tamworth (Sir R. Peel), and to the great convenience that resulted from the principle of division having been there acted on. Now, as regarded the former case, the object of the separation which took place was, to afford time for the boundaries to be fixed; the last instance was not in the least analogous. The Bills of the right hon. Gentleman (Sir R. Peel) were on totally distinct subjects,—they did not at all depend one on the other; but all the parts of the present measure depended one on the other. If the principle of establishing a Central Board of Commissioners were right, it would probably be approved by this House; and all the other provisions of the Bill, in a great degree, depended on the adoption of that principle. The other provisions of the Bill, then, depending on the establishment of the Central Board, there was an essential connection between the two, as they at present stood. If the two parts of the Bill were divided, one part might pass, and the other might not pass, and the Bill that did pass would be rendered useless by the failure of the other. The House would see, that the proposition of the hon. Member would perhaps lead to very great inconveniences. As to the different points to which the hon. Gentleman who last addressed the House alluded, they were questions that would more properly be entertained by the Committee on the Bill. He hoped the House would not consent to adopt a course which might render the provisions of the Bill, which the House should pass, totally inoperative. He had now replied to the proposition of the hon. member for Kidderminster. The other hon. Gentleman took a different view. He wished to divide the Bill into four parts. As regarded the two first, he agreed with the hon. member for Kidderminster, and that proposition had been replied to. But vagrancy was said to be a distinct subject; surely, however, it was a mistake not to consider this intimately connected with the other parts of the Bill. Nor could there be any doubt but that the laws relating to Bastardy and Settlement were connected most distinctly with the administration of the Poor-laws. In legislating on the subject, to collect all those measures in one Act, would be more convenient than to separate them. He was quite certain, that to include them in one Bill would occasion a great saving of time to the House. Under these circumstances, he had a decided objection to the instruction moved by the hon. Gentleman.

Colonel *Evans* said, the noble Lord had denied that there was any analogy between the present measure and the measures of the right hon. member for Tamworth; but there was a very decided analogy between the present Bill and the Reform Act. When the Boundary Act was brought forward, it naturally excited a great deal of jealousy on the part of the opponents of the Reform measure. To meet the objections, it was suggested, that there should be a distinct Bill introduced relative to the Boundaries, and that they should be arranged by Parliament, instead of being left to be fixed by Commissioners. Now, there was a similar provision in this Bill; one portion of the measure relating to the boundaries of parishes, which it was proposed that the Commissioners should prescribe. Whatever the Government did with regard to the other subjects, he did hope that Parliament would itself undertake this business, instead of leaving it to the Commissioners. He must say, he thought the hon. Gentleman had made out his case, notwithstanding he had been placed in a very difficult predicament. The noble Lord had certainly shown some soreness on the subject, which was accounted for by his admission, that he found it difficult to meet the hon. Gentleman's arguments. The noble Lord said, he did not like the arguments, and it was quite obvious that he could not answer them. One part of the Bill gave a new description of power,—a power unknown to the Constitution. He never could have thought that such a measure could be brought forward by an Administration professing liberal principles. The portion of the measure to which he alluded might be properly described, if it were said to be for the putting down of all parochial and local government, and for delegating the power to impose taxes on the subject to certain Commissioners to be appointed by Parliament.

Lord *George Somerset* admitted, that there were too many subjects introduced into this Bill; and if he were as anxious to support many of the clauses as he found it to be his duty to be anxious to oppose them, he should be equally desirous that the Bill should be divided into several parts. Having got through the first forty-six Clauses of the Bill, amongst the remainder there were many which involved subjects of the greatest importance, each of which might fairly take up the House a long time to discuss. There were several fresh questions that would arise—questions which, so far from having been settled, could hardly be said to have been yet agitated. One of the most important of these related to the cessation of all allowances to able-bodied persons except under peculiar circumstances; and then the Commissioners were to have the power of annulling the order under which the allowance was made. He would mention one or two of the other provisions of the Bill. The husband was liable to maintain the wife's illegitimate children. There were clauses affecting vagrants. The Apprentice-laws were to be altered. The Militia-laws relating to relief from the parish were also to be altered. Emigration was embraced in another part of the Bill. The Laws of Settlement were involved—grandfathers and grandmothers were to be liable for the support of illegitimate grand-children. And power was given to call for a particular mode of rating. He thought he had stated enough to show the excessive inconvenience that would result from the House being called on to legislate in one body on so many important subjects. He wished it to be distinctly understood, that he did not oppose the Bill from any party feeling. He thought this was a question on which all parties ought, if possible, to unite. He sincerely desired, therefore, that the Bill should stand or fall on its own merits.

Mr. *Frankland Lewis* said, if a Motion were made empowering the Committee to divide the Bill if they should think fit to do so, he should be disposed to give it his support. But the instruction moved appeared to him to be of a mandatory character.

The *Speaker* said, he believed that any Member would find it very difficult to discover a precedent in which there was a mandatory instruction as to what a Committee of the House should do. The object of moving an instruction was to give the Committee the power to do that which, without the instruction, they could not do. The question could not be mooted without that power was given, and having been given, it was for the Committee to decide whether they would exercise it.

Mr. *Frankland Lewis* hoped he should not be condemned for wasting the time of the House, since he had elicited the important explanation just given by the right hon. Gentleman. But he hoped he might still be allowed to make an observation or two on the words of the Motion. They appeared to go further than was proper, according to the authority the House had just heard. He still felt some difficulty. [An *Hon. Member:* "It is perfectly clear."] It might be clear, or immaterial to the hon. Gentleman, but to him it was not satisfactory. What he wished to insure was, that they should not go into Committee bound to "foregone conclusions." [The paper containing the Motion was here handed to the hon. Member.] He perceived, that the Motion which had been moved differed in its terms from the Motion of which the hon. Gentleman had given notice. He, for one, did not object to the Committee having the power to consider the question of division.

Sir *Robert Peel* had no very strong opinion as to whether an "instruction" should be proposed to the Committee or not. But at all events, he could not see why the noble Lord should refuse to consent that such an instruction should be given. If the House went into Committee without an "instruction," no matter what might be their opinions afterwards of the propriety of dividing the Bill—they would not have the power of doing so. Why might not the noble Lord then concede that the "instruction" be given—reserving to himself, however, the right of opposing in Committee the division of the Bill? For his own part, he thought there were advantages, in some respect, in having all the code in one Bill. He did not, however, mean to say whether or not in this case a division might not be attended with advantages.

Sir *Matthew White Ridley* could not agree with the right hon. Baronet, that there was no ground for opposing the Amendment of the hon. member for Kidderminster. If the House agreed to the Amendment, it would be virtually agreeing to the suggestion conveyed in the instruction. In his opinion it would be better to include the entire measure in one Bill.

Lord *John Russell* said, that if the House agreed to the Amendment it would be expected that they recognise the convenience of dividing the Bill. He was, therefore, opposed to the Amendment of the hon. member for Kidderminster.

Amendment withdrawn.

On the Question being put that the House resolve itself into a Committee,

Mr. *Robinson* rose to move the Resolutions of which he had given notice. He exceedingly regretted, that his Majesty's Ministers seemed to feel it their duty to press this most objectionable Bill through the House during the present Session. He was well aware how little importance would be attached to his opinion, but he must solemnly entreat them to beware of proceeding with so much rashness and precipitation on the present important occasion. He could not help considering the immense majority by which the second reading of the Bill was lately carried, as an indication rather of the desire of that House to legislate generally on the momentous subject of the Poor-laws, than as any approval of the specific measure which Government had introduced. In this view he was confirmed by the expression, then pretty general among hon. Members, of the inexpediency of passing such a measure; and he should be very much surprised, looking at the state of public opinion, if Government should be able to carry into effect such a Bill. Admitting, as he was ready to do, the necessity of some legislation on the subject, he would ask was the case really of such pressing urgency as to call upon the House at so advanced a period in the Session to pass hastily a measure of such grave importance, and which would affect so extensively the interests of every class of the community? Why, the Bill had not yet been circulated throughout the country, so as to enable Magistrates and other competent persons to form a correct opinion of its merits; one-half of the hon. Members of that House had not even read it, and none had yet had time to consider sufficiently its various provisions and to communicate with their constituents on the subject. It was most fit, therefore, if not absolutely necessary, as indeed he hoped those who differed from him as to its merits would think, that the Bill itself should lie over till the commencement of another Session; lest by now dealing with this important subject they should pass it in such a shape as might produce the directly reverse effects of those which its promoters so sanguinely entertained. He gave the noble Lord and Government credit for determining to grapple with this vital question, inasmuch as the evils which attended the present system threatened the welfare, if not the very existence, of the community; but he did not agree with the noble Lord in the propriety of proceeding with so much recklessness. The noble Lord seemed to think, that it was desirable to press the measure through on account of what was going on out of doors. Undoubtedly the public attention was beginning very seriously to be called to this question, and there were very general expressions of opinion on it throughout the country. The noble Lord might designate it clamour, and his present haste might have arisen from an apprehension that the Legislature might find itself in such a condition that it would be necessary to yield to that clamour. He should be sorry if such should ever be the case: but the reason why he required delay was, that, public clamour existing, time should be afforded by considering the provisions of this Bill to collect the deliberate voice of the people on this important measure. He lamented beyond his powers of expression the introduction of such a Bill as this; because it was nothing more than an admission, after all they had heard of the prosperity of the people, that they had now, at length, arrived at a condition in which it was necessary to establish throughout the country a regular, unlimited, legalized, and permanent system of pauperism. He would not trouble the House by entering at present into a general detail of the provisions of the Bill; but he would venture to say, that a more extraordinary measure had never been introduced within the walls of Parliament, a measure which conferred powers altogether unconstitutional, and hitherto unknown to the history of the country, on a body of irresponsible men, having the powers of delegation to others, irresponsible like themselves — powers which went to take away from the people their right of control over their own affairs, of appointing those who should levy taxes on them, and determining their amount—powers which gave the right of establishing workhouses all over this once happy country, and thus producing a state of things which would most materially increase the discontent which at present so alarmingly prevailed among all classes of society. Hon. Members seemed so anxious to pass this Bill, that they appeared to entertain no doubt as to the success of the workhouse system; he declared to God if he entertained no more than doubts on this point, he should have been most willing at once to go into Committee; but let him call the attention of the noble Lord to this subject, and let him inquire how much legislation there had already been with the view of amending the system of Poor-laws in the country. The present was not a Poor-law Amendment Bill, it was entirely a new law for the management of the poor. What had the Commissioners themselves (out of whose Report the measure had arisen) stated? He found in their last Report these memorable words, which ought to be impressed on the minds of all, and restrain the impatience of hon. Members with which they heard suggestions against this measure:—"The history of the Poor-laws abounds with instances of legislation, which have been worse than unsuccessful, which have not merely failed in effecting their purpose, but actually produced effects in a decidedly opposite direction, creating what they were intended to prevent, and fostering what they were intended to discourage." Well would it be for the House, and well for his Majesty's Government, although he believed their intentions were good, to consider whether this Bill would not be as great a failure as any of those which had preceded it. Indeed, he feared it would be the greatest of all failures. If hon. Gentlemen should run away with the impression that it was owing to the mal-administration of the Poor-laws alone, that the country was reduced to its present state of degradation, they would commit a very grievous error. Undoubtedly, that mal-administration had greatly aggravated the evil; but it was owing to the condition of the poor that the laws were badly administered. If the Magistrates and overseers had found it impossible to administer the Poor-laws within the intention of the Legislature, how were the Commissioners and their delegates to administer them, the causes remaining unaltered, but by a system of coercion and severity which he trembled to contemplate? Of course he would not impute intentional severity or cruelty to any man; but unless some effectual means were devised for ameliorating the condition and promoting the improvement of the poor, the very nature of the thing rendered it impossible to carry such a measure into effect without a system of severity which must tend to alienate the minds of the lower class of society from Government, and greatly aggravate the evils of their present condition. But, besides the extraordinary powers conferred on the Commissioners, the Bill went to create an enormously large expense throughout the country. If it were conceived, that the Commissioners would be enabled to economize the present expenditure, he must say, that in addition to the now necessary disbursements, there would be all the new expense of the Commissioners themselves and their host of assistants, which admitted of no limitation whatever. Then there was the establishment of workhouses all over the country; not as places devised for the temporary reception of those whom accidental circumstances might throw out of employment, but for their permanent and fixed residence, there to be subjected to stinted provisions and severe labour. The Bill seemed to treat poverty as a crime. He was disposed to admit at once, that for a man who was indisposed to work, hard labour and scanty provisions in a workhouse were good enough; but the hardship he alluded to was the separating a man from his family who had committed no crime, and placing him in the workhouse on a stinted allowance of food, as if he were a complete pauper, because he had been by casualty deprived of his regular employment. Such was the amount of labour in excess as compared with the demand in this country, that there would always be a vast number of persons whom, under the provisions of this Bill, the Commissioners would have power to send to the workhouse. The hon. Member read an extract from a letter which he had received from a gentleman in one of the ridings of Yorkshire, for the purpose of showing, that while the woollen and worsted manufacturers in that district, who were employed, received remunerating wages, an immense number were altogether idle: indeed the trade had sunk from a state of universal activity within a few months to almost unprecedented stagnation, greater than ever it had attained in 1825 and 1826. He quoted that passage for the purpose of showing that they would necessarily, and not from accidental causes, have hundreds of thousands of persons throughout the country to deal with under the Bill, which ought not, therefore, to be lightly considered. The Commissioners themselves admitted, that their Report had been drawn up in great haste, and consequently was very imperfect. Never had there been a case in which the House having been put in possession of so voluminous a Report, was so hastily called to adopt its recommendations. The Bill, too, was so multifarious, it was enough to bewilder any one's mind to read it through; and to legislate on it this Session would be an act of indiscretion amounting almost to insanity. His object in advocating delay was not by any means to defeat legislation; he was anxious that the Poor-laws should be amended, but the House ought not to proceed on so important a subject, until after full inquiry, with caution and deliberation; and it was impossible for any one to convince him, that the necessity was so urgent as to justify the passing of such a Bill before the ensuing Session. Then they might expect to produce a measure which would justify the expectations of the country, and which by practically remedying the existing evils of Poor-law Administration would work safely, permanently, and beneficially. But if, unhappily, that House should proceed in its measures only coercively and repressively with reference to the condition of the poor, without at the same time taking into consideration the various causes still in active operation that had contributed to degrade and pauperize them, they would legislate not only unwisely, but, he would venture to predict, most unsuccessfully. Had they not produced by former misdirected legislation much of the evils and mischiefs which they were now called on to remedy? They had passed laws out of number which had injuriously affected the lower classes, and now after they had reduced them to great poverty and distress, although he had no sympathy with Trades' Unions, and with those who, having plenty of employment, abandoned it without cause, and endeavoured to embarrass both Government and the community—he spoke of the really industrious classes of society, agricultural, and manufacturing, and he asked after having done so much to degrade and depress them, was the House to do nothing effectually to relieve them? Had not the numerous enclosure acts, particularly in the agricultural districts—had not the abolition of small farms—above all, had not the inequality of taxation done much to produce the present unhappy state of things? That was a point, however, on which he would not enlarge, having given notice of a specific motion on the subject; but he would ask, had they done anything in the present Session to improve the condition of the labouring classes? On the contrary, he could enumerate some measures which indirectly were likely to produce very injurious effects on them. He found among the voluminous papers to be seen in the library on this subject, a report which had emanated from a Committee on which the noble Lord (Lord Russell), one of the members for Devonshire, had sat in 1814, and which contained this remarkable passage, which it would be well to carefully consider at the present moment. It stated, that "There are two motives by which mankind are governed—the one the hope of improving the condition of themselves and their families, the other the fear of punishment; the one is the principle of free trade, the other that of slavery; the one, because engendering frugality, sobriety, and family affection, places the labouring classes on a friendly relation with the rest of the community; the other causes as certainly idleness, improvidence, vice, and keeps thereby the labouring classes of society in perpetual dissension, strife, and jealousy." Why did they not do something in the first place, then, to improve the condition of the labouring classes, instead of endeavouring to stimulate them to exertion, by holding over their heads *in terrorem* the accumulated evils of the noble Lord's workhouse system? He had shown the extended prevalence of want of employment in the agricultural districts, and he was sure, the House would go along with him when he said, that it was their bounden duty to apply their minds to that crying and aggravated evil with a view to devise an efficient remedy. He contended, that they should not proceed, as by the Bill before them they were proceeding, to legislate on that delicate and important subject, destitute of any but very imperfect information, and without consulting their constituents. They had 'gone on for a long time under the existing system of Poor-laws, and, in his opinion, they had much better endure them a little longer than expose the country to all the evils of rash and premature legislation. He did not scruple to say, that during the present Session, there would not be time to consider and complete any measure sufficient to effect a reformation in the management of the poor of this country; for it was not merely carrying a Bill through that House; but, as every one knew, it was necessary to get all Bills through the other branch of the Legislature; and, as was equally well known, all those proceedings demanded time. There was one of the clauses in the present Bill which he could not but regard with horror and indignation—he alluded to the bastardy clause, which went to relieve the seducer from the burthen of maintaining the offspring of his own crime, and imposed that burthen upon the poor helpless victim of that crime. A wealthy father might thus enjoy impunity, while the father or the grandfather of the seduced female would be made to endure the consequences of that deep offence against the laws of morality of which another man was guilty. Another provision of the Bill to which he entertained the strongest objection was that which took away from the rate-payers that wholesome control over their own funds, which they alone could exercise with advantage, and transferring it to paid Commissioners who had no interest in its due and economical application. The result of all that, must be the establishment of a system of legalized pauperism from one end of the country to the other, and the evil must go on being augmented and aggravated until Parliament should be called upon to legislate anew under circumstances probably more disadvantageous than even the present. If the noble Lord (Lord Althorp) would only do him the favour to read his Resolutions, he could but admit, that they might be affirmed by his Majesty's Government without its having the effect of laying them open to any charge of inconsistency. At all events, whether the noble Lord agreed with him or not, he should feel it to be his duty to take the sense of the House on the Resolutions then before them. He was anxious to put his own sentiments on record, and to afford other hon. Members an opportunity of doing the same. The subject with which they had to deal was one of great difficulty and of much hazard, especially in times when the number of unemployed persons was from day to day increasing, and likely very much to increase, by reason of the improvements constantly going forward in machinery. The benefits of those improvements were enjoyed by the higher classes, and they ought at least to make some return to those at whose expense those advantages were obtained. To look at the mass of unemployed but able-bodied men at present to be seen in this country was most alarming; but what did the promoters of this Bill propose to do with them? Nothing more or less than to shut them up in a workhouse. The hon. Member concluded by moving the following Resolutions:—

"1. That the Report of the Poor-laws Commissioners affords conclusive evidence of the deplorable condition of a large portion of the working population, highly detrimental to the interests of all classes of the community, and especially injurious to the honest, well-disposed, and industrious poor.

"2. That, in order to apply an effectual remedy to long-existing and complicated evils, so deeply affecting the well-being of society, it is the bounden duty of a just and enlightened Legislature, when proposing to enact new laws with extraordinary powers for the suppression of idleness and vice, cautiously and deliberately to look into the causes which have operated or contributed to produce a state of widely-spread pauperism, demoralization, and crime, alien to the habits and feelings of a nation, otherwise in a state of unexampled wealth and improvement, and blessed by Divine Providence with the greatest abundance.

"3. That this House, therefore, will, by all possible means, endeavour to improve the moral and social condition of the labouring poor by the promotion of beneficial employment, the encouragement of industry, and the removal of those burthens which press upon the productive classes with peculiar severity, in order to restore that harmony, goodwill, and respect for the constituted authorities, which alone can render the nation prosperous and happy."

Sir *Samuel Whalley* seconded the Motion, and maintained, that if the Bill were founded on good principles, it would stand the investigation of public opinion, which had always been found correct in the conclusion at which it arrived. He thought, that early in the next Session of Parliament, they would be more likely to approach this subject calmly and dispassionately, and he hoped that the noble Lord would allow it to stand over till then.

Lord *Althorp* said, he would beg to remind the House, that the direct question was not whether they should negative or affirm the Resolutions of the hon. Gentleman, but whether they would pass these Resolutions instead of going into Committee; if they voted for the words of the original Motion, they did not negative the propositions of the hon. Gentleman. The hon. Gentleman had certainly clearly stated his object to be, that the Bill should not pass this Session; but that some other measure should be introduced hereafter. Upon this, the hon. Gentleman who seconded the Amendment was consistent, because he had voted against the second reading of the Bill, whereas the hon. member for Worcester, he believed, did not. But, as to the opinion of the House whether they should proceed or not with this measure, its decision on the second reading made it incumbent on it to do so. According to the rules and forms of the House, the principle of the Bill was then recognized. At least he might assume, that the decision of the House, by an immense majority, was, that a measure to amend the Poor-laws should proceed. He, therefore, did not think it necessary to argue against the Resolutions; because he conceived, that the House had already decided, that some measure for the alteration of the Poor-laws should be persevered in this Session. When it should reach the Committee, it would be for that Committee to say, whether the clauses were such as should be adopted; and the Committee having decided upon the clauses, it would be for the House to declare whether this Bill was such a one as should be adopted. The hon. Gentleman had said, that a great deal of the distress had its origin in bad legislation. He admitted the fact, though he did not agree with the hon. Gentleman as to what the bad legislation had been; but he believed it to be their duty to legislate upon the Poor-laws; and therefore he did not think, that there existed any reason why they should not proceed. He would not, however, go into that question; but he would beg again to remind the House, that if they voted for the original Motion, they would not negative the propositions of the hon. member for Worcester, many of which were complete truisms; and he would merely add, that he thought it would be right to attempt, at least, to remedy the evils of the present system.

Major *Beauclerk* said, that, in supporting the Resolutions proposed, he could not conceive he was putting off a discussion on the best means to amend the Poor-laws; and he had it from the mover of those Resolutions, that such was not his object, but, on the contrary, he wished to improve the condition of the poor. The House would find, that they were rushing into a wrong course—that the workhouses would not hold all the men who were without assistance or legal claim of any kind. He never could agree to a Bill which went to invest powers in individuals which would destroy the Constitution of the country. It was plain, that if they put the proposed powers into the hands of a few individuals, without any limitation of time as to the duration of their office, they gave those parties more power than the Romans had given to their Dictators. Here was a power given which might be turned against the liberties of the country. He believed the object of his Majesty's Government was good, but they must take care that the result of the measure should be also good.

The House divided on the Amendment —Ayes 11; Noes 135; Majority 124.

List of the AYES.

Beauclerk, Major
Evans, Colonel
Faithfull, G.
Fielden, J.
Gully, J.
Robinson, G. R.
Scholefield, J.
Walter, J.
Whalley, Sir S.
Williams, Colonel

IRELAND.

Lalor, J.
Ruthven, E.
Vigors, N. A.

The House went into the Committee.

Lord *Althorp* wished to inform the House that there were four provisions in the Bill, with respect to which it was his intention to propose some alterations. It would be recollected, that he had stated on a former evening, that it was not the object of Government to give the Central Board one fraction of power more than was necessary to insure its efficiency. Since that occasion, he had taken into consideration the propriety of making some alterations in the measure now under the consideration of the Committee. As the Bill at present stood, the Central Board of Commissioners possessed all the immunity of Judges of the land; but one of the alterations which he intended to propose would, to a certain extent, limit that immunity. It would leave them open to a criminal prosecution, while it protected them against having separate actions brought against them for facts done in their capacity of Commissioners. He thought this alteration would have the effect of diminishing the objections which were felt in some quarters to the appointment of these Commissioners. He certainly did not flatter himself that it would reconcile the gallant officer and the hon. Gentleman opposite to the measure. (Colonel Evans and Sir S. Whalley.) It was also his intention to propose, that the Commissioners should be deprived of the power which the Bill now gave them of committing persons for contempt, and that that offence should be taken cognizance of and be punishable by two justices of the peace. Another alteration to which he wished to call the attention of the House was one, more of form than of principle. The Committee were aware, that by the Bill, as it stood at present, the proceedings of the Commissioners were directed to be annually laid before Parliament. Of course, in those proceedings would be included all the general rules which the Commissioners might think proper to make. But it would probably tend to prevent any misapprehension on this head, if, in this part of the Bill, it was declared, that copies of all the general rules, which under the provisions of the Bill would not come into operation until the expiration of forty days after they had been laid before the Secretary of State, should, when they came into force, be laid on the Table of that House. He was aware, that this alteration would not invest the House with greater authority than it at present possessed; for it might at any time rescind any of the general rules framed by the Commissioners; but the effect of the proposed change would be to draw the attention of the House to the general regulations as they came into operation. He had only another alteration to propose, which deserved great consideration, because it applied to a very important clause in the Bill. The Bill declared, that after the 1st day of June, 1835, no allowance should be given to able-bodied persons in employment, upon any consideration whatever. He was, however, induced to think that such an enactment might lead to great inconvenience, and it was therefore his intention to propose, that, on the representation of the guardians or overseers of the poor of any parish, that the carrying into effect of that clause of the Bill would produce inconvenience, the central Board of Commissioners should have the power of suspending its operation in such case. He repeated, that his reason for proposing this alteration was, because he thought much inconvenience might possibly arise if, in a pauperized district, the allowance at present received by a large number of persons should cease at a particular day. He therefore proposed to give the Commissioners a discretionary power to suspend the operation of the clause in extraordinary cases. At the same time it would not alter the principle of the Bill.

On the Question, that the blank in the first clause, appointing Commissioners be filled up with the word three,

Colonel *Torrens* said, that he did not object to the number of Commissioners, neither did he object to the principle of the Bill; on the contrary, he approved of it, and he thought his Majesty's Ministers were entitled to the thanks of the House and the country for having grappled with this great and important question. He looked upon the Poor-laws in their present shape as the most crying evil under which the country laboured; and unless they were checked by arresting pauperism in its progress, they would, in a little time, absorb the whole rental of the country, and establish an Agrarian law of the worst and most injurious description—a law which must end in the starvation of the people, and the depopulation of the country. But while he approved of the principle of the Bill, he must observe, that he thought it too stringent, and that it was the duty of the Committee to render it less so. He thought, for instance, that if, by a clause, they could induce a greater co-operation of the parishes, it would materially increase the efficiency of the Bill. In his opinion, however (and it was to propose an Amendment to this effect, that he rose), it would be right to limit the duration of the Commission; and he would therefore beg leave to move that the appointment be for a period not exceeding five years.

Lord *Althorp* said, the hon. and gallant Member's clause would, in his opinion, interfere with the working of the Bill, and he considered, that there was no necessity for it. If there was any thing in the Bill which prevented the removal of the Commissioners, or of any of them, at the end of five years, or of one year, it would be a different matter; but there existed nothing of the kind. The only effect of the clause would be to put an end to the Board at the end of five years, which it would be perfectly competent to the House to do without it. As the only object of the Bill was the advancement of the public interests, he trusted, that every Amendment would be brought forward and discussed in that spirit, without reference to party feeling. He should himself be very glad if, in carrying these objects into effect, they could do without the appointment of these Commissioners; but he doubted the possibility of that, though if the feeling of the country should be strongly pronounced against them, they might be removed. He thought the time would come, when the country would express its satisfaction at having the services of the Commissioners; but, if it should be found desirable to remove them, the House possessed at all times, within itself, the power of doing so.

Lord *Sandon* thought, that if a Central Board was necessary, its appointment ought to be of a temporary nature; he would, therefore, support the Amendment of the hon. and gallant Member. He agreed with the gallant Member, in thinking that it would be necessary to incorporate a great number of parishes. If anything was calculated to make the Bill less objectionable to, and less opposed by, the people, it would be the wish manifested by the noble Lord to limit the power and duration of these Commissioners. He would not confine himself to five, in preference to any less number of years, but he would press upon the noble Lord the necessity of limiting as much as he could the power given by the Bill.

Mr. *Edward Buller* said, he also had given notice of an Amendment to one of the clauses of this Bill. The reason by this unpopular, and, he would say, unconstitutional measure was now proposed, was because the House felt themselves in the same situation in which they were placed last year with respect to the Coercion Bill. They were urged in each instance by the necessity of the case. But here they ought to make the measure as gentle in its operation and limited in its duration as possible. He had the greatest respect for his Majesty's present Ministers, but changes would take place, and let it be remembered, that whatever power they gave to the Commissioners on this occasion, they were placed at the disposal of the Crown. The Secretary of State would be behind the scenes governing all. Then let the Committee look at the patronage given to the Crown by this Measure. There was the appointment of the Commissioners, Assistant-Commissioners, Secretaries, Clerks, Assistants, and so forth. There was also another power given by this Bill, which he viewed with alarm. It was true that the Commissioners had not the appointment of the overseers in the different parishes; but then they were to have the fixing of their salaries, and the power of dismissing them. This was a very great power to be brought into action upon a new election, and therefore that power ought to be limited in every reasonable way. He would say, let the appointment of these Commissioners be for a period not exceeding four years, and if that time should be found to be too short, Parliament possessed within itself the power of extending it. There was yet another reason which induced him to take this view of the case. The time might come when the House should be enabled to dispense with these Commissioners, and, after having cancelled the law, return to the ancient and constitutional mode of administering the Poor-laws.

Mr. *Cutlar Fergusson* said, that hon. Members talked of this measure as being unconstitutional, and objected to the powers to be vested in the Commissioners, without knowing the nature and extent of those powers. He certainly could not vote for limiting the duration of the commission at the present stage of the proceedings, nor until he knew what the nature and extent of those powers were.

Mr. *Halcombe* thought, it was the duty of the Committee to decide, in the first instance, whether the appointment of the Commissioners was to be temporary or permanent. The Committee would judge of the increased power which this measure gave to Government, when they considered that it would place under their control a sum nearly equal to one-half of the money disbursed for the current expenses of the country. The money available for the actual service of the year was, he believed, from 16,000,000*l.* to 18,000,000*l.* a-year, and the Poor-rate amounted to about half that sum. This was a great temptation to Ministers to keep up this commission as long as possible. It gave them a controlling power over the whole parochial expenditure of the country. On these grounds he hoped the appointment of the Commissioners would not be permanent, but temporary. It might be urged that, in mentioning five years, the House implied that the Commissioners were to be continued for at least that period; but that objection would not hold good for a moment, as it would always be in the power of the Legislature to abrogate the law. This was a most unconstitutional power. It gave to the Commissioners ample control over the whole parish property of the country. Nay it gave them the control over the parish authorities also; they were to have the power of directing parishes, whether they were willing or not, to unite one with another; they were also to have the power of directing them to erect large workhouses at a great expense, and this in spite of any opposition they might be inclined to offer. These were powers and principles hitherto unknown to the British Constitution. It had always been held hitherto, that the people were the best judges of their own expenditure. A commission, without these extraordinary powers, to recommend a uniform system to parishes, might be very advantageous; but, with extraordinary power he doubted its utility and at least it was incumbent on the House to render it temporary.

Colonel *Torrens* said, it would, perhaps, be more to the satisfaction of the House if he withdrew his Amendment, until the House was in possession of the extent of the powers to be vested in the Commissioners.

Amendment withdrawn.

On the Question being again put, that the number of Commissioners should be three,

Sir *Henry Willoughby* said, he entertained a jealousy of giving powers so extensive to any set of Commissioners, and the more so when he found they were irresponsible for their acts. He would ask the noble Lord whether he had any objection to adding *ex-officio* Commissioners to the others? If not, he would propose, that the Lord Chancellor, the First Lord of the Treasury, and the Chancellor of the Exchequer, be added to the Commissioners; which would have this good effect, that as it was essential to have some persons present who were held responsible for this part of the Government, the House should have the advantage of asking a question at any time on the subject. He wished to know whether the noble Lord (Lord Althorp) had any objection to this addition to the Commission? it was in conformity with the appointment of the Board of Control.

Lord *Althorp* said, that the addition proposed by the hon. Baronet would be a mere nominal thing. The case of the Board of Control had been mentioned, where some of the King's servants were members; but they did not attend, and were not responsible for the acts of that Board. He thought it disadvantageous to appoint any persons as members of a Board who did not attend to its duties; and certainly it would be altogether out of the power of the three Ministers named by the hon. Baronet to attend the sittings of these Commissioners. The proposition had been under consideration, and it was thought advisable not to adopt it. He thought, too, that it was not advisable to have persons connected with the Administration on the Commission.

Mr. *Halcombe* was not surprised at finding Ministers so little inclined to be joined with the Commissioners. As the case stood at present, the Ministers were to have all the power without the responsibility. If the Commissioners, or any one of them, were to misconduct themselves who, on that (the Ministerial) side, was to get up and answer for them? He saw no one, and, looking at the case in this point of view, he hoped the hon. Baronet would divide the Committee upon the proposition. The noble Lord (the Chancellor of the Exchequer) certainly had an alternative, which was, that, as he intended to limit the powers of the Commissioners, the consideration of that part of the case might be postponed for the present until the House had an opportunity of knowing what the powers vested in the Commissioners were to be.

Lord *Althorp* denied, that the Board would be an irresponsible Board; the Ministers would be responsible if they did not remove any of the Commissioners proved to have acted improperly. Besides, the House itself had a check over the Commissioners, inasmuch as they could not receive any salaries without its sanction. He would then observe, that he would not answer attacks which would have the appearance of making this a personal contest. It was sufficient for him to know, that no man in his senses could for a moment imagine, that any Ministers, however corrupt, would introduce a measure like that before the House for the sake of patronage.

Mr. *E. Buller* said, he had not charged Ministers with having introduced this measure for the purposes of patronage; all he did say, was, that a great share of patronage must necessarily grow out of it.

Lord *Althorp* had not alluded to the observations of the hon. Member who had just sat down, but to those of the hon. and learned member for Dover, who had charged Ministers with looking mainly to the power which would be conferred on them by the Bill.

Colonel *Evans* was glad to hear any hon. Member on the other side of the House allude to the patronage created by this Bill. He had done so on a former evening, and got laughed at for his pains. He was opposed to the appointment of these Commissioners with such powers; he objected to this tyrannical Bill; and was determined to resist those who seemed resolved to put down all opposition. He would not be put down by any such attempts; their only effect upon him would be to arouse him to increased energy. There was one thing which he begged the Committee to understand—the noble Lord might carry that Bill by a majority (and, indeed, he could command a majority on almost every question in that House), but he wished it to be understood, that in the short discussion which took place on the Bill, every speaker (save the noble Lord himself) expressed his dissent and his disapprobation of the powers given to the Commissioners, and to the patronage; but Ministers wished to enjoy it, that they might longer retain their places. As to patronage, let the Committee look to what was said by the Commissioners themselves. "The powers," said they "which we recommend to be vested in the Commissioners, is a power now exercised by 15,000 sets of public officers," and they went on to say, that such Commissioners should be removable by the Lords of the Treasury. If this was not additional patronage and power, he knew not what was. It was a perfect *imperium in imperio*, as had been well observed by an hon. Member in another part of the debate. It would be recollected, that Mr. Fox proposed the appointment of a Commission like this for governing the affairs of India. The Commission was to consist of seven Members, but the proposal created so much alarm, that the Ministry from whom it emanated were overthrown. But he would say, that this Bill gave to Ministers more patronage than that proposed by Mr. Fox would have given to the then Administration. It would give them the power to make and set aside laws at the will of three nameless individuals. Surely these persons ought to be men of high rank and standing in the country—men whose characters might be taken as pledges of their ability, integrity, and good faith—as men incapable of abusing the trust reposed in them. Then they were to have the power of levying taxes on the people. The money hitherto raised by numberless Acts of Parliament was now to be raised on the order of three nameless individuals. Who would say, that this was not a great and mighty power to vest in them? And yet the noble Lord had himself stated, that he did not know who the Commissioners were to be! Never, surely, was such a proposition made before by any Government. He had stated, on a former occasion, that he was not sufficiently acquainted with the present administration of the Poor-laws to speak to the merits of the Bill on that point; but there were many who supported the Bill that were as ignorant of the subject as himself. His opposition to this Bill was founded on broad constitutional principles—on principles which would not permit him to surrender his judgment or relinquish his hostility. The hon. member for the City of London, and the hon. member for the Tower Hamlets, who had supported the second reading of the Bill, took airs upon themselves as if they were doing a very virtuous act in acting against the wishes of their constituents. He had the satisfaction of acting, on the present occasion, in perfect concurrence with the wishes of his constituents. But whatever might have been the wishes or opinions of his constituents, such was the light in which he held the Bill, that support it he never would. He considered that the House had disgraced itself by assenting to the second reading, when not an individual who had spoken upon it approved of its provisions. He should feel it his duty, at the proper time, to move an Amendment, that, after the word "appoint," these words should be inserted—"shall be lawful for his Majesty to nominate fit and proper persons, of the legal profession, to assist his Majesty's Attorney and Solicitor-General in causing the functions hereinafter mentioned in this Act to be carried into efficient and strict execution."

Mr. *Wolryche Whitmore* felt called upon to say a few words upon the clause, because it appeared to him, that the House had been hardly dealt by, in reference to the Bill before them; for when hon. Gentlemen took upon themselves to assume, that unconstitutional powers were to be delegated under it, they were almost sure to excite prejudices in the country, which would not be fair or justifiable to its promoters. Being one of those who saw no such unconstitutional powers delegated by the Bill—who anticipated most beneficial effects from its operation—who saw the necessity of strong, but not unconstitutional, remedies for great and increasing evils, he called upon hon. Members to treat the measure with something like fairness, and not to attempt to crush it by words and names alone. He really did not understand what was meant by an unconstitutional principle, if such could be found in that Bill. True, a great change was contemplated; but this did not necessarily originate or involve the establishment of either an unconstitutional, or a tyrannical principle. True, they were going to give to another body a great power over a large class of persons and a vast amount of property; but he would ask, whether those persons would not be much more accountable to that House and to the country, than the individuals who had now the control of the taxation levied for the support of the poor. There lay the question; and he answered by saying, that responsible as the Commissioners would be to the Secretary of State and to that House, he for one preferred such a security far beyond that lax and uncertain one which the present system afforded. Was it not obvious, that the Board as at present to be constituted would have the eyes of the whole country always upon them, and have every act closely scrutinized and canvassed? And did any man in that House really believe, that they would wish to abuse their powers, or that, if they were besotted enough to attempt such folly, the Government would not instantly and peremptorily interfere? But, supposing even that the Government did not interfere, where were all the county Members? Where were all the Representatives of the boroughs and large constituencies? Would they not, without a minute's delay, interfere and put down such attempt? He really believed it would not be desirable to limit the duration of the Board. This, however, was not the time for discussing the merits of the Bill; but still he felt bound thus briefly to state his own opinion after the sweeping and easy assertions which were made against it. He believed its results would be beneficial; that it would be found neither unconstitutional in principle, nor tyrannical in operation, but otherwise; and if hereafter he should find his opinion wrong, he could only assure the House, he would be one of the first to demand its revision. He called upon the House, and upon the country, not to mind mere assertion, but to weigh the Bill well in their own minds; and above all, to look fairly at it, and allow others to do the same; and then he thought they would find in it the means of eradicating many of the worst parts of that system under which they had so long been suffering, and which not only was absorbing, in a frightful degree, the property of the country, but, what at least to him was far worse, plunging it deeper and deeper into almost hopeless demoralization.

Mr. *Godson* was glad one hon. Gentleman could be found to assert, that the Bill was neither unconstitutional nor tyrannical, because it put the point at issue, and he really thought, if it were discussed and settled, the noble Lord opposite could better enter into the several clauses. When he was interrupted by the Speaker, he was showing that the Bill had better be divided into two parts, and that the power which was to be given to a Commissioner was greater than that granted to a Judge of a Supreme Court. Suppose a Commissioner did wrong, the aggrieved party was not to have his action, for an immunity was granted to the Commissioner. Was he then to petition the House of Commons for redress? [*Lord Althorp:* Indict him.] The noble Lord said—Indict him. He gave them a round-about power to punish, but he gave the man injured by the Commissioners no redress. An action could not be brought, but the aggrieved party must proceed by indictment. He had no objection to that, but he wanted more. If they would once establish the law—once lay down the rules by which the Commissioners were to be guided, then there might be some guarantee for their conduct in this liability to indictment; but in the 13th clause he found they were to have full power to make laws and regulations, which were to have the same force as if enacted by the King, Lords, and Commons; and yet they were told, that it was not unconstitutional to grant such power to these Commissioners, because they might be indicted for their abuse of it. But what would be the practical operation of this Bill? Under it the same men would make the law, would administer it, and might apply to a Court of Justice to enforce it; they might also be the accusing parties, and bring parties before them for the infraction of their regulations. Thus they were at once Legislators and Judges, and at the same time usurped the power of the King's Attorney and Solicitor-Generals; and yet an hon. Member was heard to say, that this was not an unconstitutional power. Why, what was the Constitution? It was high time to make such an inquiry. Was not one of its principles, that the legislative, the administrative, and executive powers of the country should be separate? Had they not at all times, when free Government was recognized, felt a great jealousy in intrusting these powers into the same hands? The House itself had acted upon this feeling, in always sending those whom they felt it necessary to impeach, for trial to the House of Peers. A Judge who sat on the trial of a man could not bring him before him for trial. That must be the act of others. Until this Bill, no one ever heard of such a combination of legislative, administrative, and executive powers, in any State pretending to freedom. What was the definition of a tyrant? Was it not that of one who could make laws and execute them, or unmake and change them, at his own will and by his word? The Commissioners were to have this power. They could make, and unmake rules—pardon, or not pardon those who were guilty of the infraction of them at their pleasure. Why, he saw no difference between the power of any arbitrary despot, and that of the Commissioners, if this Bill should pass in its present shape. But another objection was to the permanence of their power. Such a change as this should be only for a limited time, in order to see its operation. When it was found necessary to suspend the Constitution, it was done for a limited time; but here, where the Constitution was to be suspended in most important points, no time was fixed during which the suspension was to continue. Was this to be perpetual? Under these circumstances he would oppose this clause.

Lord *Althorp* said, the hon. and learned Gentleman must have misunderstood what fell from him. In what part of the Bill did the hon. and learned Gentleman find that the Commissioners were at the same time to make laws and to sit in judgment upon them? By clause 86 of this Bill, it was provided, that all the penalties under it were to be levied, by complaint made before two justices. In no one instance had the Central Board to act as justices. They had the power to make rules but not laws. They were to act as justices of the peace for the execution of the Poor-laws, and there was a particular clause which limited their power as justices to this. Notwithstanding what had been said by hon. Gentlemen, he was prepared to maintain, that the measure was not unconstitutional. There were some Acts of Parliament and many local Acts which conferred as great powers as this Bill did. He was first attacked for the extent of power conferred, and now he was attacked for proposing to reduce it. The hon. Gentleman had made an attack for diminishing the powers of the Commissioners; but if those powers had been left complete, there would be still greater complaints. If the power of punishing for contempt were left to the Commissioners, the hon. Gentleman, and hon. Gentlemen generally on the opposite side of the House, would declaim loudly against that part of the measure.

Sir *Samuel Whalley* maintained, that the Commissioners had a double power even as regarded the subject of punishment. In the first place they had the power of removing the assistant overseers, and, in the second place, by another clause, namely, the 40th, they could remove the masters of workhouses. He begged to ask the noble Lord, whether that was not clearly and distinctly vesting in the Commissioners a double power of punishment? He would object to that part of the clause which appointed three Commissioners, unless the noble Lord, by some alteration as to their powers, removed his objections. Over these Commissioners, it appeared to him, there would be no control, and he considered that it would be better to increase their number.

Lord *Granville Somerset* was extremely desirous to know, whether it was the intention of the hon. and gallant member for Westminster to press his Amendment to a division. If such were the hon. and gallant Member's intention, it would not be necessary for him to detain the House with more than one or two words.

Colonel *Evans* did not mean to persevere in his Amendment.

Lord *Granville Somerset* felt, therefore, that it was necessary for him to detain the House with a few observations. He should like to know precisely and definitely the powers which were to be vested in the Commissioners. Though a judicial power should be withheld from them, still, as it seemed to him, they would be possessed of powers perfectly tyrannical. Being parties in the matter, they had the power of repealing laws and putting into execution others, which savoured more of legislative authority than any other power he had ever heard of. He had frequently heard of the tyranny of governments; and he knew that, in some cases, it had been productive of beneficial results; but it was for the first time that he heard the principle of tyranny used as an argument for a measure in the House of Commons. He confessed, that the Report of the Commissioners on the Poor-laws was drawn up with much care and research, and that they had exerted themselves to obtain extensive information; but at the same time that he made this avowal, he felt bound also to state his opinion, that the Commissioners seemed to have a predetermined disposition to grant enormous powers to the Central Board, and to overthrow that mode of relief which had been for many years established throughout the country. Now, when he saw this disposition on the part of persons interested in the Bill, he felt the more anxious to be informed of the extent of the power to be granted to the Commissioners. He could not consent to any measure that would delegate to them an important part of the duty of the Legislature. He firmly believed, that not only the poor, but even the rate-payers themselves, would be affected and injured by the passing of the proposed measure. For these reasons, he could not but feel extremely jealous as to the powers that were about to be vested in the Commissioners. He did not doubt but Government would be careful to select fit and proper persons for the task; but still he should like to know the precise extent of their powers. He should also be glad to know how these Commissioners were to be paid, and to what extent. Were they to be officers salaried by Act of Parliament, or were they not to be paid at all? This was no unimportant consideration. When the House was called upon to pass a measure they should see what were the salaries and powers they were about to confer on the persons the Bill involved.

Lord *Althorp:* The power of the Commissioners would not be by any means so great as the noble Lord and other hon. Members thought. Their power would be limited, and they would be allowed to act only as Justices of the Peace for the purposes of this Act. At the same time, there was a proviso in the 10th clause of the Bill, which prohibited them from acting as Justices of the Peace for the recovery of penalties incurred under the Act. They would not, therefore, have the power of acting as judges in cases in which they might be looked upon in the light of parties concerned. He thought that their having the power of removal from office of agents employed under them ought not to be looked upon, taking the matter in a constitutional point of view, as vesting in them a power of punishment. There were many persons who possessed a similar power. He admitted, that the measure gave to the Commissioners great discretionary powers, but he really could not see how these powers could be designated with any truth tyrannical. They would be subject to the control of the House of Commons; and it was the first time in his life that he heard anything denominated despotism which was subject to that control. A despotism of such a description must necessarily be extremely limited. The noble Lord asked a question respecting the salaries of the Commissioners. His answer was, that, whatever were to be the salaries, they would be voted annually in Committee of Supply. Such a suggestion had been adopted, in order to give that House more control over the Commissioners in making rigid inquiries as to their conduct, than it could otherwise have possessed. When the vote for their salaries was moved for, the House would have an annual opportunity of investigating their conduct.

Mr. *George F. Young* could not reconcile it to his conscience if he allowed the clause to pass without calling the attention of the House to the unfavourable situation he and other hon. Members would be placed in, if the Amendment of the hon. and gallant member for Bolton were withdrawn. He would not at present argue, whether the powers proposed to be vested in the Commissioners were unconstitutional or not, but at any rate all must admit that they were enormous. Those powers should be limited, and he had not yet heard it explained whether they were or not to be perpetual. Such an explanation was highly important, since they might concede powers for a time which they could not think of doing, if those powers were to be perpetual as to time, and unlimited as to space. It clearly appeared to him, that they were called upon to legislate universally, upon facts which existed only partially, and in a few counties. It would be very well if some few counties or parishes were made to comply with the provisions of the proposed Act. He had a petition from the place he had the honour of representing, signed by 27,000 of the inhabitants. They did not object to the principle of the measure, but they objected to some of its details, and more especially to the provisions about allowance, since they considered it unjust that such a provision should be extended to the county of Northumberland, in which the system of allowances had never before existed. Unless Government gave him some assurance that the measure should be limited in its operation, he should offer his most strenuous opposition to giving the Commissioners such enormous powers as were contemplated by the proposed Bill.

Colonel Evans withdrew his Amendment.

Mr. *Slaney* entreated hon. Members who should oppose the measure, to do so calmly and coolly. He acknowledged the abuses of the present Poor-laws, and he believed that they were pretty generally acknowledged. Government had been called upon to introduce a measure to remedy those abuses, and when they resolved upon bringing in such a measure, hon. Members ought to give them some credit and not listen to popular clamour. With respect to the defects of the Bill, the hon. and gallant member for Westminster thought, that the powers vested in the Commissioners might be used for unconstitutional purposes. The evils that were to be remedied were great, and, to remove them, was it not necessary that large powers should be vested somewhere?

It was an error to suppose, that the powers about to be granted to the Commissioners were so extensive as to enable them, if they so wished, to do away with the existing laws. Those powers were intended to enable them to make regulations, so as to prevent the abuses that had crept in against those laws; but they would not be able to abrogate them. If the Commissioners were to have the power of laying down written rules as to how the money should be disposed of, according to Act of Parliament, he would ask whether their having such power would be called tyranny? The powers of the Commissioners were to have only reference to the relief of the poor, and to the executing certain Acts of Parliament which directed how that relief should be given.

The question as to filling up the blank with the word "three" was carried.

After several verbal Amendments had been made, the Question was put, that the Clause as amended, stand part of the Bill.

Mr. *Jervis* said, that he felt it his duty to move that the clause be rejected, as he felt that that was the best mode of opposing the appointment of Commissioners. He wished to caution hon. Members, that it would be too late to object to the appointment of Commissioners, should they be unsuccessful in their opposition to the objectionable clauses. There were many parts of the Bill relating to the Commissioners to which he did not object, but they were so mixed up with those parts to which he had insuperable objections, that he was satisfied, that the best course that he could pursue, would be to move that the whole of that part of the Bill be rejected. It was not his intention to object at length to the provisions relative to the appointment of the Central Board; nor would he follow the example of other hon. Members in designating the powers conferred on that Board as tyrannical or despotic, nor in using other harsh terms; but he believed, that none would deny that a great degree of power was conferred upon it. He objected altogether to the principle of centralization. It was admitted, that the Report of the Commissioners was founded on a state of things which prevailed only in certain districts, and to remedy the evils which existed in these districts a certain course was to be adopted; and therefore there could be no reason to adopt this new system for the whole country. He had always been of opinion, that those who paid the rates should have a direct control in their administration and distribution, but by this measure all control would be taken from the rate-payers. [" *No, no!*"] Hon. Gentlemen might say, "No, no," but he contended such would be the effect. Although persons contributing to the rates would have some ministerial control, they would have no positive control, because the distribution of the rates would be subject to be controlled by the rules and regulations issued by the Central Board. The fact was, that the rules relative to the distribution of the rates would be framed by those who were unacquainted with the local interests. It must be obvious, that local circumstances must have an important influence on the distribution of the rates. He need hardly say, that unless there was a paramount control in the Central Board, it would be totally unfit to effect the object in view. In his opinion, the principle of centralization was most improper, and would be most oppressive in its operation. It was a principle adopted from other countries, which the Ministers professed themselves anxious not to imitate in other matters. On the one hand, the House was called upon to depart from this principle in framing Local Jurisdictions by the establishment of Local Courts, and on the other, it was proposed to place the administration of the Poor-laws under the control of a Central Board. The evils of the Poor-laws had arisen from their mal-administration under the direction of the Magistracy; but he was satisfied, that an improvement might be brought about without making such a sweeping change as was now proposed. He felt the strongest objections to the principle embodied in the clause, although he believed, that his Majesty's Government were actuated by the purest motives in bringing forward the Bill; but he was satisfied, that they were mistaken as to the effects that it would have. He objected to the powers conferred on the Central Board; but before he went into his objections in detail he wished to observe, with respect to the Amendment which the noble Lord proposed to introduce in the Bill, that it left the measure, in his opinion, still liable to the most serious objections. It had been very justly observed by one of the leading Journals of the day, that the persons who would have to administer the Bill would necessarily become irresponsible from having the power of the Judges conferred on them. It was proposed to take away from persons feeling themselves aggrieved by the conduct of the Commissioners the power of recovering damages. Instances might occur in which persons might be illegally confined or subjected to degradation and disgrace through the mal-administration of the Poor-laws by the Commissioners. The noble Lord proposed there should be no remedy by civil action, but that an individual feeling himself aggrieved, might proceed by indictment. He (Mr. Jervis) would ask, what would be the effect of such an enactment with regard to a poor man? He would have no opportunity of vindicating his character, but proceeding by indictment, which would be attended with an enormous expense to him, as it was to be recollected that the cost of proceedings was to be thrown on the complainant. When they were considering this part of the measure, they were bound to remember that persons placed in such situations, might make an improper use of the powers intrusted to them. What would be the situation of the poorer classes under such a system? It would operate as a virtual denial of justice. The poor man might be injured in his health or in his character; and yet the whole expense of the proceeding by which the noble Lord proposed, that he should obtain redress, was not to come out of the county rate, or any other fund, but out of the poor man's pocket; and whatever wrong might be inflicted on him, he would not be able to obtain one shilling as compensation. It appeared, therefore, to him, that the principle of the clause was liable to the greatest objections. It had been stated, and he (Mr. Jervis) thought properly stated, by the noble Lord (Lord Granville Somerset), that the Commissioners had, by the means of issuing their rules, the power of altering the laws of the country. They had the power of making general rules, notwithstanding the existence of local Acts; and, by this means, such rules would be constantly framed inconsistent with the interests of particular districts. Again, these rules were to come into operation before they were submitted to Parliament. The noble Lord should recollect, that objections were last year made to allowing the highest legal authorities in the country to make rules and regulations as to the practice of the Courts of Law without the sanction of that House. So strongly did the noble Lord feel this, that he proposed that the rules of practice to be agreed upon by the Judges when solemnly assembled, should not be valid until they had been six weeks on the Table of the House, by which means opportunity would be afforded to any Member to object to them who disapproved of them. Might not a similar caution be used with respect to the general rules to be framed by the Commissioners? It might be said, that they would be laid before Parliament within a certain time, but the evil in many cases would be inflicted before it was possible to bring the matter before the House. The noble Lord must, at least, admit, that the Commissioners should not have more power than was intrusted to the Judges of the land. There was another point with respect to these Commissioners to which he objected, namely, that although they had no judicial functions to discharge, they were to have the power to commit for contempt. Such a power did not exist in any ministerial authority in the country, and it would be most objectionable to establish such a principle. The noble Lord said, that he had security against the improper exercise of this power, at least, to a considerable extent, namely, directing that, before committal, there should be a summary conviction before two Justices of the Peace, and that these *ex-officio* Judges should not act as Justices of the Peace in such cases. This was, in his (Mr. Jervis's) opinion, a very imperfect security. For instance, an assistant Commissioner, living in a particular district, might take a prejudice against a poor man, and might, for some alleged offence respecting the Poor-laws, take the poor man before any two Justices of the Peace who were the Commissioner's friends, and get him convicted; and, however improper such conviction might be, the only mode the poor man was to have of vindicating his character was by indictment. He (Mr. Jervis) contended, that no committal should take place without the intervention of a Jury. He then came to the general powers conferred on the Commissioners. He was anxious to have a direct answer from the noble Lord as to whether or not the Commissioners were to have the power of repealing existing statutes relating to the poor? He thought, that it had been stated by the noble Lord, that they were not to have such a power; but if they had not, there could not be an uniform system in consequence of the number of Local Acts. If, therefore, they were not to have this power, instead of one general rule, there would be one system in one county and a different one in another. It appeared to him, that it was proposed to delegate to the Commissioners authority which the House of Commons had no power to give. It was proposed to confer on the Commissioners, not only the power of framing rules which were to have the force of laws; but also to repeal any Act of Parliament, or any rule of common law, which had hitherto been agreed to by the general consent of mankind. The only check upon the power of the Commissioners was the authority of the Secretary of State, who would not be responsible for any of their rules. It appeared to him, that delegating the authority of the Legislature in that way was foreign to the Constitution of the country; and he protested against adopting such a principle, especially with regard to laws which concerned only the poor. The noble Lord might just as well, when he proposed the appointment of the Commissioners, have recommended, that they should be appointed to make laws relative to the poor, only subject to the control of the Secretary of State, as to have adopted the course which he had. The noble Lord might, on the same principle, propose that the House should delegate its powers to Commissioners for tithes, or any other matter, as an easy mode of getting rid of the difficulties of legislation. The objections to such a system were in his mind insuperable. He admitted, that great evils had arisen as regarded the Poor-laws from injudicious and inconsiderate legislation on the subject. This was in consequence of legislating for the exigency of the moment, without regard to fixed principles. He thought, however, all the evils might be removed by some attention, and a slight alteration of the law. But, even if they were liable to such evils from improper management under the present system, would they not be liable to greater evils under the proposed plan of the noble Lord? Those who would be intrusted with authority under the noble Lord's plan would not have the same information, nor the same interest in carrying the laws into effect, or in promoting their good administration, as those in authority at present had. He objected to allowing the Commissioners the power of making rules and regulations. He also objected to the nature of the offices to the holders of which this power was to be delegated. If he understood the Bill, the Commissioners were merely ministerial officers; but they were to have indemnities and securities which were never granted to any officer of the State or the law. The Assistant Commissioners also were to have the same privileges and indemnities, and yet were not to be appointed by any proper authority, but by the Commissioners themselves, to whom such extensive powers were to be delegated. It ought to be remembered, that the same degree of indemnity that was to be given to these Commissioners, was not allowed to many who had powers delegated to them not of a ministerial nature; for instance, in the case of the unpaid Magistrates, to whom the country was so much indebted, but who were constantly liable to have actions brought against them. Again, the police officers of the metropolis were not protected, but were liable to actions for an improper administration of the law, and actions of the kind were continually brought against them. When they found that such a state of things existed with regard to the Magistrates and other officers of justice, were they not entitled to view with considerable jealousy the protection extended to these Commissioners in the exercise of the most extraordinary powers conferred upon them? Would the noble Lord consent for a moment to propose a measure to extend similar protection to all the unpaid Magistrates of the country? Would he consent to invest the Magistrates with such powers and authority as those which he proposed these individuals should have? He had endeavoured to state as shortly as possible the grounds upon which he objected to the clause. He objected, in the first place, to it, because it took from the parties who contributed to the poor-rates the control over the administration of them. He objected, secondly, because it gave enormous and irresponsible authority to those Commissioners, which was dangerous in practice and unconstitutional in its extent; and also because it took from the House all authority in the administration of the Poor-laws, and divested it of all power of legislating on the subject. On these grounds, then, he intended to take the sense of the House on the question, and he thought that he only did his duty in pursuing that course. The hon. Gentleman concluded with moving that the clause be left out.

Mr. *Ewart* understood his hon. friend to object to the principle of centralization, which he (Mr. Ewart) held to be the very essence of the Bill. His hon. friend objected either to the principle of centralization, or to the means by which it was proposed to carry it into effect. If the objections of his hon. and learned friend were confined to the latter point, they applied to the machinery and the present was not the time to discuss them. If his hon. and learned friend objected to the principle, he was prepared at once to meet his hon. and learned friend, who objected to centralization, that it was not indigenous in this country, but originated in another. If, however, the principle were worth any thing, the objection of his hon. friend was merely a local argument. His hon. friend said, that they were acting contrary to the principle of centralization in establishing Local Courts, and wished to act upon it in the administration of the Poor-laws. In one case the principle of centralization might be necessary, and in another local authority would be more advantageous. The principle of centralization, however, was not new in this country, for it was acted upon in the case of Benefit Societies. General rules for the government of these Societies emanated from a board; and why not general rules for the administration of the Poor-laws? If the principle were good in the one case, why should it not be advantageous in the other. The question they had to consider was, not whether the powers to be conferred were extensive or not, but whether they were necessary. He certainly agreed with his hon. and gallant friend, the member for Bolton (Colonel Torrens), that it would be better to limit the powers of the Commissioners to three or four years, when, if the system worked well, it would be easy to renew the powers. He would give his cordial vote for the clause.

Mr. *Richards* did not object to centralization as a principle, but did not approve of its adoption in this case. The people of England had been accustomed to the administration of the Poor-laws in their respective parishes, for the last two centuries, and he thought that they should still have a control in the administration of them; for although there were undoubted instances of abuse they were on the whole not badly administered. He thought that the noble Lord (Lord Althop) had acted injudiciously in not having the Report of the Commissioners generally circulated throughout the country before he brought forward the Bill. If he had done so, much of the violent opposition which had been manifested to it in many parishes would have been prevented. He believed, however, that most of the abuses in the administration of the Poor-laws might be remedied without altering the whole system, and adopting a plan to which there was so much opposition throughout the country. Under these circumstances, he should vote for the Amendment.

Lord *Althorp* said, in reference to the proposition of the hon. Member that the rules framed by the Commissioners should not come into operation until they had received the sanction of the House, he thought the delay by adopting such a course wonld considerably impair the efficiency of those regulations, though he admitted, that it would not alter in any material degree the general provisions of the Bill. The hon. Member had also objected, that he had not gone far enough in taking away the immunities proposed to be granted to the Commissioners. Now those immunities had been taken away entirely except in cases of actions brought against them when acting as a Board. That was the only case in which he proposed, that the Commissioners should be exonerated from liability. The Assistant Commissioners were to have no indemnity of the kind, but only such as was usually granted to Justices of the Peace. The hon. Member had alluded to the taking away from the Commissioners the power of committal for contempt; but the hon. Member had spoken of contempt in the usual sense of the word, instead of the legal sense, which meant an obstruction offered to the proceedings of the Court, by refusing to give evidence, &c. In the next place, the hon. Member had objected to the power invested in the Central Board, of making rules. It appeared to him, that such a provision was absolutely necessary. The question for the House to decide was, whether they should continue the administration of the Poor-laws under the present system of separate Magistracies throughout the country, each acting upon different principles and under different feelings; or whether they should bring the whole under one uniform system? It appeared to him, that it was most desirable that such a general principle should be adopted. It was well known, that in different parishes different arrangements had been adopted, and found to work with different degrees of success. No one general regulation could be found to apply equally to all parishes. Under the present state of the law the parishes in the south did not know what regulations had been adopted and with what success by the parishes in the north; and the northern parishes were equally ignorant of the arrangements of the southern parishes. But if one Board of Commissioners were appointed to overlook them all, it would be their duty to see, that the measures which had been found successful in one place should be adopted in another; and he thought that under such an arrangement they had a better chance of arriving gradually at a perfect administration of the Poor-laws than by any other means which could be suggested. It was admitted on all hands, that the present state of the Poor-laws stood in need of great change—and that the authorities by whom the laws were carried into effect should be also changed; otherwise he could see no reason why the amended Poor-laws should not be perverted in the same manner as the former laws. It had been said by an hon. Member that many measures for the regulation of the Poor-laws had from time to time been passed without any beneficial effect. Now it appeared to him that the reason of that want of success was, the fact of there being no superintending authority to see to their execution. So convinced was he of this, that he should say even of the present measure, if it were not to be enforced by some such duly-appointed authorities it would prove equally nugatory as former measures. He fully admitted, that the word "centralization" was a new word in our Legislation; but hon. Members should not be afraid of it solely on that account. The question was, whether it would be a good system to have one duly-appointed body as the seat of Government to manage this important part of our internal administration, or whether it would be desirable to have different parochial authorities, all working upon different principles, and consequently none of them acting with one common view or understanding upon the matter? Upon these considerations he did hope, that the Committee would consent to the establishment of the Central Board, and grant them such powers as might seem necessary to carry the principles of the Bill into effect.

Sir *James Scarlett* said, he admitted the advantage and the propriety of having a uniform system of management. He thought such a plan exceedingly desirable. It would be extremely advantageous to have some centra l body for the purpose of watching over the execution of the law. One of the greatest defects of the administration of the present Poor-laws consisted in the local prejudices, and local feelings, and local occasions, which presented themselves everywhere, and caused a difference in the system adopted in different parts of the country. He agreed in the opinion that it was vain to hope that two or three districts could be well administered if the majority were ill-managed. The evil was advancing through the country, and it couldnot be corrected, but by the introduction of a better system. He did not, therefore, see any objection; but on the contrary, could conceive great advantages, as he had said, from the existence of a Central Board for superintending the execution of the law and taking from the local functionaries what appeared best in their various modes of practice. But that was quite a different question from investing that Local Board with legislative powers. The powers which he objected to were to be found in the 13th section and some of the preceding ones. From the provisions of those parts of the Bill, it appeared to him, that its effect was, that whereas Parliament had hitherto made certain rules and regulations for the administration of the Poor-laws, which had proved inefficient, therefore Parliament should no longer exercise that function, but should delegate it to Commissioners to be appointed by the Crown, who should make all the rules and regulations for the management of the poor. According to these provisions the Commissioners might Repeal any of the Statutes which related to the support of the poor. As these Commissioners were to have the power of altering the laws, subject only to the *veto* of the Crown, assisted by the Privy Council, it was nothing more nor less than appointing a new Legislature. By far the greatest proportion of the people of this country who could be affected by the practical administration of any law, were liable to the effects of this measure, because the number of persons who could be affected by any other law was trifling—it was as nothing in comparison with the daily and hourly occurrences in which the Poor-laws were called into operation. Thus the House was now actually about to provide a new Legislature to take the charge of the principal branch of our domestic economy. That appeared to him to be a great power to intrust to three, or any other number of Commissioners. Would it not be more expedient if Parliament would adopt a uniformity of practice, and appoint Commissioners to watch over its administration? He knew, that the maladministration of the law, in particular instances, often grew into a habit, from want of an effectual authority to control and regulate it. Some measure for collecting information as to the best practical means of administering the law would be productive of great benefit, and to that extent, therefore, he repeated, he had no objection to a Central Board. He believed, that the Magistrates would, by such a regulation, be relieved from a very unwilling jurisdiction and great contumely, and the overseers from much contention and odium. But he could not conceive, that the people of England would submit with patience to the establishment of a Board with such powers as were proposed. It appeared to him that, according to the provisions of this Bill, the Commissioners might repeal Acts of Parliament. Was that the intention of the House? If it were, it would be better to declare it specifically. The Report on the Poor-laws showed, that in those places where the Poor-laws were best administered, they afforded examples worthy of general imitation. What would be more expedient than to take the best parts of the present system for a guide—to frame a general rule founded upon them—to make it temporary, and to provide Commissioners to see that it was duly enforced? Instead of this, permanent Commissioners were to be appointed, who would be subject to no control of Parliament, and were to have no check but their own discretion. Under these circumstances, how could the House be sure that the law would be uniformly enforced? If the House wanted a system, let it declare the system itself. Let it take the best of the existing system, and appoint Commissioners to carry it into execution. With that he was sure the people would not be discontented, and the Magistrates would experience great relief. There was one great inconvenience which he had long felt to exist in the administration of the Poor-laws. A friend of his, who had great opportunities of making himself practically acquainted with the subject, was always of opinion, that the power vested in Magistrates of granting relief against the inclination of the overseers and the vestry, was a very mischievous provision. It was, no doubt, well intended, but it had produced most disastrous results. An hon. friend of his had pressed him much to introduce a Bill to alter this part of the law, but he (Sir J. Scarlett) had not time to give up to the subject, and he was also of opinion that the duty belonged expressly to his Majesty's Government. His hon. friend had himself prepared a measure on the subject, in which he made a provision that orders for relief should be signed by two Justices. Why should not such a regulation be now adopted—or why should it not be said, that in all parishes where there was a local vestry the Magistrates should give no relief unless sanctioned by the vestry? As an instance of what might be effected by good management, he would state a fact. A friend of his, who was now a police Magistrate—he meant Mr. Walker—had had, for a good many years the superintendance of a township at Manchester, in which when he commenced, the Poor-rates were 1,740*l.* a-year, but in two or three years he reduced them to 500*l.* not only without exciting any discontent, but even having acquired much popularity amongst the poor themselves by his proceedings. One mode in which he effected this saving was, by stipulating with the Magistrates that no appeal from the order of the overseer on application for relief should be attended to. They having great confidence in him assented, and the plan had produced the benefit which he had mentioned. Instances of individual hardship must of necessity occur under any system, but it would be much better for the general interests if the power of giving relief were made to rest with the churchwarden and vestry, who were better acquainted with the circumstances of the poor in their parish than any other persons could be. He himself had known an instance in which an overseer, from motives of humanity, employed a man on his own farm, but the man refused to work, and got an order from a Justice of the Peace to receive 4*s.* 6*d.* a-week. Such a system could not be good. He should not trouble the House any further, but, conceiving this to be a precedent of innovation which would tend to introduce a despotism into the country, and believing that the general opinion expressed of the power given to these Commissioners was the true one, he could not consent to vote for this clause, connected as it was with the other clauses of the Bill, but must join with those hon. Gentlemen who opposed it.

Mr. *Pease* said, if he had had any doubt before of the necessity of appointing Commissioners, it would have been removed by the speech of the hon. and learned Gentleman who had just sat down. He was satisfied that by the functions of the Commissioners the Magistrates would find themselves relieved from much trouble and ignominy, and the poor would be much benefited.

Mr. *Slaney* said, that if the Motion of the hon. and learned member for Norwich were adopted, it would be necessary to have all the rules first laid down at great inconvenience in that House; but what would be still worse, they must all be brought into operation simultaneously in all parts of the country. Now, the circumstances differed in different parts of the country, and the Commissioners would be able to adopt the regulations to each district—to feel their way—to introduce the alterations by degrees, and not to cause a feeling repulsive to the new rules. It was necessary to give a discretion at present which, however, need not be continued after a good system had been introduced.

Mr. *Benett* objected to the powers given to the Commissioners as too extensive, and the expenses by which the measure would be attended as too large. He should not consent to it unless the powers of those functionaries were limited.

Mr. *Halcombe* who spoke amidst much noise and interruption was understood to say, that it was advisable that a different system should be adopted in town parishes to that in country parishes, and that the system adopted in Scotland of levying the Poor-rate, one-half from the occupier and the other moiety from the owner of the tenements, had been found highly beneficial. He was sorry to trespass upon the House—but as it was a most important subject, he had used his best endeavours to offer his sentiments to the House—notwithstanding the indecorous interruption of hon. Members who came down to the House without having prepared themselves with any information upon the subject about which they proposed to legislate. He did hope that House would not persist in this sort of conduct, else, in justice to himself and other hon. Members who ventured to speak their sentiments, he should feel himself compelled to move an adjournment. He thought, that a vestry appointed from those possessing property in the parish would, if the system were generally introduced, work much good, and obviate the necessity of the dangerous innovations contemplated by the present Bill. There was no occasion for the present Board, or of enclosing men whose only offence was unavoidable poverty within the walls of a workhouse. If the pauper were turned out as he went in, then the Bill would do no good. It would be better to find lodgings and work for the labourer than incarceration and half-starvation.

Mr. *Cutlar Fergusson* remarked, that the hon. and learned member for Norwich had put a construction upon the 13th clause of the present Bill which, in his judgment, it did not bear; on the contrary, he must deny, that any such legislative powers as had been stated were conferred by it upon the Central Board of Commissioners. The powers thereby given were confined to the carrying into effect the other provisions contained in the Bill; they were most clearly defined, and limited to the objects of the measure. At the same time, he admitted, that these powers were extremely large, and ought to be watched and carefully scrutinized before they passed through the Committee. In the course of the present debate he had not heard any plan to amend the present system suggested by any hon. Member who had yet spoken, and it was clear, from the state of England at present, that twelve months ought not to pass before general powers were conferred somewhere to amend the existing Poor-laws. If those laws were longer suffered to be administered as at present, the result would be, that the proprietors of land would be expelled from every nook in the country. It had already been seen, that both Magistrates and Overseers of the poor were frightened and intimidated to the concession of all that paupers required, not because the concession was just or in any degree called for, but because they had no power to resist the demand. Hence was it essentially necessary to erect a body distinct and separate from the local authorities to remedy these evils and to establish a uniformity of practice—in point of fact, it was called for to carry into full effect and operation the Statute of Elizabeth, and to get rid of the system established by the aberrations from that law which from time to time had taken place.

Sir *James Scarlett* begged to state in explanation, that he had not confined his observations on the 13th section of the Bill, but had taken the provisions of that section in connexion with those contained in the 35th. The latter clause, after referring to the Statute of 22nd George 3rd, provided, that the Commissioners to be appointed should have power "to make any new or other by-laws, rules, orders, and regulations, to be observed and enforced as they, from time to time, should think fit; and to alter at their discretion, any of the rules, orders, and regulations contained in the schedule to the said recited Act, or in any local Act of Parliament." Taking the provisions of the two clauses together, he repeated, that the Commissioners would be invested with legislative powers.

Lord *Althorp* said, that at present Justices of the Peace were armed with similar power. The clause alluded to was the only one that gave such power; and when they came to that in Committee it was time enough to examine it. His right hon. friend said, that it was desirable to take away the present power of Magistrates. That was the object of the Bill.

Mr. *Hughes Hughes* said, he was opposed to the despotic power of the Board more than to the Board itself, badly as the Board was constituted, and indeed its very constitution was highly objectionable. The Board might consist of three Commissioners, or only one—[The hon. Member quoted the clause of the Act, which was to the effect that, in case of death, or of removal, or resignation, it was lawful for the Government to appoint a successor or successors, and that in the meantime, the existing Commissioner or Commissioners should be empowered to act and exercise the same functions as if there were three]. The singular number, "Commissioner," mentioned in the Act showed clearly that all the tremendous power of that Board might be, at the pleasure of Government, vested in one person. He would strongly object to any Board that was not amenable to Parliament.

Sir Samuel Whalley moved, that the Chairman Report Progress.

Sir *Henry Willoughby* asked, if the Central Board were established, what would be the condition of the poor. The power of the common vestries, which were generally composed of farmers and tradesmen, who had a sympathy for and an influence over the poor, would be taken away; and that intermediate power between the poor and the rich being taken away, and the management and support of the poor being left to strangers and a distant and despotic power, the consequences would be dreadful. It was the unanimous opinion of all dispassionate witnesses, Magistrates, overseers, farmers, and others, that the result of the present Bill would be starvation to the poor. The admission of the noble Lord was enough to convince any one of the terrible evils of the measure when he admitted, that the Board would have nothing to do with individual relief. The great mistake seemed to be, that they did not carry legislation far enough. They should not hand over to any Board that power which the House should exercise. Improvements might be made in the Bill; but why should the House abrogate its proper functions? The evidence and the Report were jumbled together, and the apparent design of both was to show, what was already evident, that the present system was bad, and the only remedy was the proposed bad Board.

The House divided on the Motion of Reporting Progress—Ayes 17; Noes 312: Majority 295.

List of the AYES.

ENGLAND.

Attwood, T.
Buckingham, J.
Evans, Colonel
Faithfull, G.
Fielden, J.
Gordon, R.
Gully, J.
Halcombe, J.
Hughes, H.
Robinson, G.
Walter, J.

Williams, Colonel
IRELAND.
Baldwin, Dr.
Blake, M. J.
Butler, Colonel
O'Connell, M.
Ruthven, E.
Vigors, N. A.
TELLER.
Whalley, Sir S.

The first Clause, as amended, was agreed to.

The House resumed. The Committee to sit again.

RELIGIOUS ASSEMBLIES BILL.] Mr. Hardy moved, that the Religious Assemblies Bill be committed.

On the Motion that the Speaker leave the Chair,

Mr. Secretary *Stanley* said, that the second reading of this Bill had passed in a very thin House; and as the principle of it was most important, he hoped that the hon. Member would not proceed with it at so late an hour of the night. It tended, as far as he understood the Bill, to make a very serious alteration in the law, inasmuch as it would enable any person whatever to pray and preach without either license or regulation. There had been little or no debate or discussion upon the Bill, which was of such importance that it ought not to pass without attracting more attention. He hoped, therefore, the hon. Member would consent to its postponement until a more convenient opportunity.

Mr. *Finch* said, that the question was certainly one of great importance, and if further time were desired he hoped the hon. Member would not press the matter forward at that time. It appeared to him, however, that the right hon. Secretary for the Colonies was mistaken as to the extent of the alteration which this Bill would produce, for, in point of fact, any person might preach already as the law now stood, but the moment he indulged in prayer he became liable to heavy penalties. The law, as it stood, was most absurd; for a man might pray as well as preach to nineteen persons, but the moment one or two more joined the party, his prayer-book was instantly converted into gunpowder to blow up the Church. Surely such a state of the law required alteration.

Mr. *Baines* was a friend to toleration in the most liberal sense. He thought Churchmen and Dissenters should be put upon a par, without any distinction whatever as to their right to pray in places not consecrated. He had voted for the second reading of the Bill, and would now vote for the Committee.

Mr. *Hardy* remarked, that the Church of England was tolerant of every thing but itself. Before the Act of Charles 2nd, each man had a Common Law right to have religious worship performed in his own house, without any limit as to the number of persons present. It was right this privilege should be restored to families who happened to be distant from a consecrated place of worship.

Mr. *Warburton* contended, that the question as to whether the Church was in danger was so very microscopic, that the Bill ought to be proceeded with. Churchmen, at least, ought to be put on a footing with Dissenters.

Mr. *Shaw* said, that the hon. member for Bridport was the first who had talked of the Church being in danger. The question as to discipline, however, was an important one, and ought not, he thought, to be pressed at so late an hour.

Sir *Matthew White Ridley* considered the Bill as the first step towards sapping the foundation of the Established Church, and, therefore, he would oppose its further progress. The hon. Baronet moved, that the Bill be committed that day six months.

Lord *Howick* said, the existing laws occasioned an evil that was seriously felt, especially by Presbyterians. They were in the habit of meeting for the purposes of prayer previous to burials; and, according to the present laws, penalties might be inflicted on them for doing so. The grievance was one that ought to be got rid of.

Mr. *Heathcote* was anxious to have the Bill delayed. It was, on all hands, admitted, that it was not free from objection; and he would put it to the good sense of the House, whether it was right to enter upon the discussion of so important a measure at that late hour of the night. He did not desire to throw the Bill out altogether, but he thought that it should be delayed for a week or a fortnight to enable them to know exactly what its provisions were.

Mr. *C. W. Wynn* said, that if the Bill was as harmless as hon. Gentlemen would have them believe, no objection should be raised against the delay that was sought for. That was not an hour to commence the consideration of an important measure, especially as the late hour at which the second reading took place, precluded them from discussing the principle of the Bill. It was inconsistent with the principles of the Church of England, that persons should assemble at private houses for the purposes of prayer, and he thought that no such meetings (there being more than twenty persons present besides the family) should be allowed, without the permission either of the Ordinary or of the Bishop of the diocese. He should not, however, vote for the amendment, but he did hope, that they should have an opportunity of discussing the Bill before it proceeded further.

Mr. Secretary *Stanley* considered the Bill as entrenching on the principles of the Established Church, and he therefore should vote against its going into Committee.

Mr. *Aglionby* thought hon. Gentlemen had no reason to complain of want of notice, or to make that a pretext for alleging that they were unacquainted with the provisions of the Bill. He hoped they would allow it to pass that stage, knowing they could have any discussion they pleased on the bringing up of the Report.

Mr. *Hughes Hughes* would be the last person to support a Bill which would destroy the discipline of the Church of England; but it was in order to remove a defect in that discipline that the Bill had been brought in, and numerous communications he had received from different parts of the country, proved to him that the Church desired that defect to be removed. He would state to the House a fact which he had before mentioned. The clergyman of a parish in the neighbourhood of London was in the habit, every Thursday evening, of assembling the parishioners at the workhouse, to the amount of one hundred, perhaps, or more, for the purposes of worship. For years, those who chose, attended; but an information being threatened, the clergyman was obliged to direct that the first nineteen who arrived should be admitted, and the rest turned away. Was it fit, that such a state of things should continue? On behalf of the clergy, and on behalf of the Church, he begged, that this Bill might be passed.

Mr. *Frankland Lewis* hoped the hon. and learned Gentleman would not press them to go into Committee at such an hour.

Mr. *Hardy* said, that if they would ensure him a day for bringing the Bill forward at an earlier hour, he would gladly comply with their request, but not otherwise.

The House divided on the Question, that the Speaker leave the Chair—Ayes 60; Noes 37: Majority 23.

The House went into Committee.

The several Clauses of the Bill were agreed to, and the House resumed.

List of the Ayes.

Attwood, T.
Baines, E.
Baring, F. T.
Bennett, J.
Berkeley, C.
Bernal, R.
Blackstone, W. S.
Blake, M. J.
Brotherton, J.
Browne, D.
Callander, J. H.
Childers, W.
Curteis, H.
Dashwood, G. H.
Ewart, W.
Finch, G.
Fleetwood, H.
Forster, C. S.
Grant, R.
Grant, C.
Greene, T.
Greg, Colonel
Hawes, B.
Heathcote, J.
Howard, Captain
Howick, Viscount
Hughes, H.
Hutt, W.
Hyett, W. H.
Ingham, R.
Jervis, J.
Lennard, T. B.
Lloyd, J. H.
Maberly, Colonel
Martin, J.
Morpeth, Lord
O'Dwyer, A. C.
Parker, J.
Parrott, J.
Pease, J.
Pelham, Hon. C. A. W.
Plumptre, J. P.
Poulter, J. S.
Pryme, G.
Rolfe, R. M.
Ross, H.
Rotch, B.
Ruthven, E. S.
Sheil, R. L.
Sinclair, G.
Stewart, P. M.
Strickland, Sir G.
Verney, Sir H.
Vigors, N. A.
Wallace, R.
Walter, J.
Warburton, H.
Wood, G. W.

Tellers.

Aglionby, H. A.
Hardy, J.

HOUSE OF LORDS,

Thursday, May 15, 1834.

Minutes.] Petitions presented. By the Duke of Buccleugh, from several Places, against the Separation between Church and State.—By the Earl of Haddington, from the Presbytery of Lanark, against any Alteration in the present System of Church Patronage in Scotland.—By the Marquess of Downshire, and Lords Wharncliffe and Bexley, from several Places,—for Protection to the Established Church.—By the Duke of Gloucester, from one Place, against the Admission of Dissenters to the Universities.—By the Bishop of Gloucester, from Eastington, for the Repeal of the Sale of Beer Act.—By Lord Suffield, from several Dissenting Congregations, for Relief to the Dissenters; and by Lord Yarborough, from Lincoln and Llandovery, to the same effect; and for the Separation between Church and State.—By the Duke of Gloucester, the Marquess of Cholmondeley, Lords Bexley and Feversham, and the Earl of Lincoln, from a Number of Places,—for the Better Observance of the Sabbath.—By Lord Yarborough, from a Number of Places, for Relief to the Agricultural Interest.

Sabbath Observance Bill.] Lord

Wynford, in rising to move the second reading of the above Bill, after alluding to the mistake in printing it which had been made in its principal provision, and for which he was unable to account, as he had penned the Bill himself, said he felt more than ordinary anxiety, inasmuch as the measure was one, which appeared to him, of great importance. He believed that noble Lords who might object to his Bill, would admit the necessity of something being done upon the subject, when they looked at the vast number of petitions which had been poured into the House, complaining of the desecration of the Lord's day, and praying the adoption of a law which should put an end to such a state of things. He believed more petitions had been presented in the course of the last and present Session, in reference to this subject, than had ever been presented upon any topic in the same space of time, since the passing of the law for abolishing slavery. He confessed he was not one of those who thought it right to yield on all occasions to petitions, especially if the subjects were such as appeared not right to be entertained; but, on the contrary, if the thing asked for ought to be granted, then petitions became a good ground for an alteration being made. He could not concur in what his noble and learned friend had stated a few days back, with respect to the observance of the Sabbath. No doubt, however, that in some classes of society, the Sunday was better observed now than formerly, whilst in others the contrary was the case, or at all events no improvement had taken place in the observance of that holy day. The circumstance of so many petitions being presented against the desecration of the Sabbath, proved that the opinion of the public was, that the Sabbath was not kept in the way it ought. Now, the Bill which he had introduced proposed to prevent persons from doing that upon the Sabbath which ought not to be done, and which was admitted should not take place on that day. The Bill went no further than what would be found to exist in the old laws relating to the subject, the principal object of it being to render effectual the provisions of the old law. Indeed, it was admitted, that the provisions of the old law could not be enforced. The Magistrates who had given evidence before the Committee of the House of Commons had stated that this was the case, and that the penalties were much too small. A person, however often he might sell on a Sunday, could only have one penalty inflicted; so that it acted very ineffectually against offenders of that nature. Two most respectable gentlemen had given evidence before the Committee of the House of Commons to which he had already alluded, viz., Colonel Rowan, the head of the police, and Mr. Chambers, a highly respectable man, a Magistrate, who had been many years at one of the police offices in the metropolis, and was now at Marlborough-street office; and their opinion was, that the law was entirely inefficacious as it at present stood, to prevent Sunday trading. So much so, indeed, that persons against whom informations were laid, were in the habit of saying, that they would cheerfully pay beforehand the penalty—the single penalty, for no more could be imposed for these illegal transactions on one and the same Sabbath, in order to have no trouble of appearing to answer the charges. In certain parts of London, where trading to a great extent was carried on, a tradesman would thus obtain in half-an-hour sufficient profit to discharge the penalty. It was obvious, from the numerous petitions which had been presented, in fact the table had been again and again loaded with petitions, that the feeling in the country from whence they came was adverse to the manner in which the Sabbath was now spent. Dr. Doyley, the rector of St. Giles's, had given a fearful description of the state of that part of the town on the Sabbath-day. He stated, that the parishioners who attended the parish church could not pass along to the place of worship without witnessing scenes of drunkenness and vice, and thereby indisposing their minds to devotion, or preventing them from entering into their religious duties with the feelings which were necessary. He had thought it right, under all the circumstances, to bring in the present Bill, which was little or nothing more than for the purpose of giving force to the laws already existing relative to the Sabbath. Since the Bill had been introduced, he had received communications from all quarters and all classes of persons, earnestly imploring him to persevere in his efforts to carry the measure; and the baneful effects which beer-houses and gin-shops had produced on the morals and habits of the poorer classes had been strongly and feelingly urged upon his attention. His noble and learned friend on the Woolsack would, he had no doubt, confirm all that he had said respecting the inadequacy of the present laws relating to the Observance of the Sabbath, and, if they were on all hands acknowledged to be defective, surely it was the bounden duty of their Lordships to supply that which was wanting. The present system of penalties was perfectly nugatory; and, therefore, instead of a delinquent being subject only to a single penalty, no matter how frequently he violated the law in the course of the day, his Bill proposed that each separate offence should be visited with a distinct penalty. This, he submitted, would be a great improvement. He did not mean to interfere with Sunday travelling, because he knew it to be wholly unavoidable; but, although that was the case, he thought, that the transmission of goods from place to place on the Lord's-day should be prevented. He could recollect the time when nothing of the kind ever took place, but now it was as common to see waggons and other vehicles travelling with goods upon the Sunday as on any other day in the week. The statute of Charles the First contained provisions to check this abuse, but then that statute was a dead letter. He also proposed altering the law relating to, not only beer-houses and gin-shops, but to all houses of public resort, and to make a different arrangement for opening and closing them on the Sabbath-day to that which now existed. He intended to empower constables to enter places of this description during divine service, and to take all persons who might be found drinking in them into custody. They were not, however, to be brought before a Magistrate, but merely detained until they got sober, as it was not on such unfortunate persons that penalties should be levied. Another provision of his Bill went to do away with the present practice of giving secular notices in churches during divine service. That practice was rendered necessary by the present law, but still, as it was not free from objection, it ought to be done away with. He proposed, that all such notices should be affixed to some conspicuous part of the porch of the church, and that plan, he thought, would make all parish business equally as well known as the present plan, and would be infinitely less objectionable. It was also intended to place bakers under fresh regulations. He did not think it would be advisable to prevent the poor from having their dinners baked on Sunday, but then there would be no hardship in enacting, that no dinners should be sent to the oven later than ten o'clock in the morning, or delivered from thence after two in the afternoon. The object of his measure was, if possible, to relieve the poor from the state of moral degradation in which they were plunged, and not to debar them of any rational enjoyment which they ought to have. Even in point of economy, a restraint upon Sunday trading would be of immense advantage to them. The noble Lord concluded by moving, that the Bill be read a second time.

The Question having been put,

The *Lord Chancellor* said, that he as well as his noble and learned friend felt strongly the great importance of this measure, and he freely admitted, that a subject of such deep and vast interest ought to receive their Lordships' most serious consideration. It was their duty, undoubtedly, to remedy any defects which might exist in the present law; but it was no less their duty to guard against taking any step which, instead of removing the evils complained of, might rather have the effect of increasing those evils. There could be no denying, that a deep interest was felt on this subject throughout the country, and that the number of petitions which had been presented to both Houses of Parliament praying the Legislature to take measures for remedying the inefficient observance of the Sabbath-day was almost unprecedented. Nevertheless, he looked, as every one of their Lordships was bound to do, with a strong feeling, at not only the great importance, but the great difficulty of the question with which they were called upon to deal. If they did nothing, the country would naturally complain; but still, having before their eyes the fact, that every attempt which had hitherto been made to legislate on this subject, only went to prove the difficulty in which it was involved, they would be acting most unwisely if they were to do anything which could not be done safely and effectually, and without the possibility of creating mischiefs as bad as those which at present existed. He freely confessed, that he did not object to encounter the risk, merely because the other measures had failed; but before any proposition was adopted it should, he thought, be made clear, not only that it was safe that no fresh evil could arise from it, but that it would not have the tendency of making the observance of the Sabbath less strict than they knew it now to be. He was averse to any measure interfering with the ordinary avocations of the humbler classes, or the mode in which they passed their time, which could render the due observance of the Lord's-day either burthensome, unpopular, or less favoured than it now was; but he was at the same time desirous to do all that might be necessary for preventing any unbecoming conduct on the part of the less scrupulous or irreligious portion of the country. If any law could be framed such as was suggested by the right reverend Prelate (the Bishop of London), the other evening, there would be no objection to it, if it could be tried without incurring any risk. He (the Lord Chancellor) had often stated when petitions had been presented on the subject, and he then repeated it, that the Sabbath was better observed in England, and it was undoubtedly the case in Scotland, than in any other country of Europe. He had visited most of the continental states, and he never found anything like the same regard to the sanctity of the Sabbath as in this great metropolis. If, then, they had such an advantage as to have the Sunday so well observed without legal interference, they should well consider that they ran some risk of injuring what they already had, by endeavouring to enforce the better observance by means of legal compulsion. At present the Sabbath was respected by the people, not merely from their religious habits, but as a day on which there was a relief from worldly occupations. The higher classes regarded Sunday as a day of rest for the lower classes, and the humbler classes regarded it as a day of religious rest, and also as one of relaxation from their secular callings. There were also other causes for the same observance of the day which he would not more particularly allude to. At present it might truly be said, that the reason that the Sabbath was so well observed in this country arose from the moral and religious feeling of the people, as the laws did not interfere to produce this result. In this case, therefore, the old maxim, *leges sine moribus*, was reversed, and there existed *mores sine legibus*; and great caution, therefore, must be exercised in interfering in the matter. With all gratitude, then, to his noble and learned friend (Lord Wynford) for the pains he had bestowed on the Bill, and for the candour with which he had spoken of it, he (the Lord Chancellor) felt bound to state, after all the consideration that he could give to the matter, that his noble and learned friend did not appear to legislate on a right understanding of the subject, or on sound principles. If they attempted to interfere with that which was now done by the voluntary feelings of the people, they would be running a risk of danger even if they succeeded in their object. In short, it appeared to him doubtful whether employing the inflexible hand of the law was the right mode of dealing with the subject, which was, in point of fact, more a matter of morality and of religion than of penal legislation. The Bill was a law to improve the morals and habits of the people. With these feelings he came to the consideration of this important measure. If he said, that he thought that the present Bill never could be taken in the shape in which it was, he did not say more than he believed, as it was most objectionable in its details. The defects and errors of which he complained did not exist merely in one part, but prevailed throughout all parts of it. It was a Bill to make all business stand still, not merely on Sunday, but on every day of the week.—[" *No, no,*" *from Lord Wynford.*]—He (the Lord Chancellor) had no doubt that the noble and learned Lord thought, as he expressed his opinion, but still what he (the Lord Chancellor) had stated was the case. The first clause, after providing that all deeds, bargains, contracts, or agreements made or executed on the Lord's-day should be utterly void, went on to enact, " that every person that shall become a party to, or in any manner assist in, the making of any deed, &c., or shall attempt or propose to make any bargain, contract, or agreement, or shall sell, offer to sell, or expose, any articles for sale, shall, for every such act or attempt as aforesaid, whether done or attempted on the same day, or on different days, forfeit, &c., a sum not exceeding —," to be recovered in the manner subsequently prescribed by the Bill. He begged their Lordships to remember, that nothing was said about Sunday, for it was immaterial, according to the clause, whether it was Sunday or any other day; and he asked their Lordships whether this would not put a stop to all trading whatsoever? This defect was not merely a misprint, for it extended throughout the Bill. It was the case in the second clause; it was also the case in the fifth clause, and others, that he could refer to. He was aware, that a great number of petitions had been presented with respect to the state of the morals of the people, but he had never heard of petitions presented to prohibit drunkenness on any day as well as Sunday. Drunkenness was undoubtedly a very odious vice, but there were many others equally so; for instance, a want of chastity was a much worse vice, as it affected others, than drunkenness; and yet his noble and learned friend did not propose to interfere with it in any manner. His noble and learned friend, in point of fact, said, that a man must not get drunk on any day of the week, but that he might, as far as his Bill was concerned, practise all other vices with impunity. His noble and learned friend made no exception against the commission of other vices even on Sunday; but his noble and learned friend was satisfied, that one vice was so odious, it was so obnoxious to his feelings, that he would put it down every day in the week. He (the Lord Chancellor) would ask whether there could be a grosser injustice to the poor publican, than the course which his noble and learned friend wished to pursue? It would be almost impossible for the publican to escape punishment. The noble and learned Lord proposed, that the publican should be punished who allowed any man to get drunk on his premises. Not one man in ten thousand who had sat as long as his noble and learned friend in a Court of Justice, or had had experience of Courts as his noble and learned friend and himself, would be able to explain this clause in any other manner than that which he had stated. It proposed to punish the publican for allowing any person to get drunk on the premises. Why, one man might get drunk after two or three glasses, and another man might be perfectly sober after two or three bottles. How could the poor publican judge to which class those who wished to become his customers belonged? Could his noble and learned friend furnish such information to the publican that he could take upon himself to say to one, "You are a two-glass man," and to another, "Oh, you are a three-bottle man?" By the Bill of the noble and learned Lord, if the publican furnished a bottle or a pint to the two-glass man, and it made him tipsy, the publican would be liable to a penalty. The publican, however, might be most anxious to prevent those men who avoided the "golden mean" from drinking in his house, and yet be liable to the penalty. Thus a man might get one glass in one house, and go to another and get a second, which might make him drunk, and the publican must be fined for letting a man get tipsy on his premises. The unfortunate publican might say to his guest, "Before you pass into my house, I will impannel a Jury—not of matrons, but of waiters—and you shall be tried in the bar, and I will be chairman, and a verdict shall be returned as to whether you shall or shall not drink in this house." And yet, notwithstanding all his care, the publican might be deceived, his guest might get drunk, and he be exposed to punishment. To be consistent, there must be a punishment for those who did not inform the publican whether they had been drinking in another house. He might think that he was perfectly safe in what he allowed his customer to drink, but it would be impossible for him to see what had taken place in another house. He might ask, whether his guest was drinking on "a virgin soil," or whether one glass would make him drunk, for if it did, it would make him guilty of a Penal Act, and liable to punishment. He (the Lord Chancellor) was sure, that their Lordships must see, that strong objections existed to such an enactment. Would their Lordships send to the Commons to ask them to agree to a Bill containing such provisions? He repeated, that whatever might be the intentions of his noble and learned friend, the general effect of the Bill did not apply only to Sunday, but to every day in the week. ["*No, no,*" *from Lord Wynford.*] He contended, that it was as he had stated, and referred to the words of the clause for confirmation of what he had stated:—"If any person admitted or permitted to remain in any house licensed for the sale of spirituous liquors, or place licensed the sale of beer, shall be permitted to get drunk, &c." There was nothing about Sunday in the clause. An after clause in the Bill alluded probably to Sunday, but the one that he had read did not. He might be told, that the clauses might be altered; but the errors or nonsense of which he complained, ran through the whole of the Bill, and it would not be possible to make any change which could make it satisfactory. The Bill would put a stop to all business whatever on Sunday, however urgent it might be. He might be told, that works of charity and necessity were specially excepted. Was it to be made a question to go to a Jury to say what works were necessary? The Bill specially declared, that no man should pursue his worldly calling on the Sunday, and that no deed whatever should be valid that was made on that day. He (the Lord Chancellor) was not of opinion, that it was a work of necessity for a man to make his will on the Sunday under any circumstances; but he could very well imagine cases in which it might be necessary to make other dispositions of property even on a Sunday. He said, that he did not think that making a will was a work of necessity, as he thought that a man should always do so before he arrived at the day of his death. If the matter ever came before him, he would at once decide, that making a will on a Sunday was not a work of necessity. Again, the Bill allowed work to go on for the six days, and prevented all but the performance of household duties on the Sunday. Now, he (the Lord Chancellor) would ask, what business had a Lord, because he happened to be rich, and to live in a great house like a palace, to call for the labour of those under him, while all work for the poor man was prohibited? A nobleman or other rich man might give a dinner to twenty-five on a Sunday; but what business had he to endanger the salvation of the soul of his cook or his butler by giving a feast on that day? As the servants of the nobleman were employed for household purposes, he would not be liable to any penalty; but supposing a poor man wished to start in a stage-coach to visit a sick child, or any other work which he might consider of necessity, he would be prevented doing so by this Bill. In the one case, the poor man who might be engaged on a work apparently to him of necessity would be liable to a penalty; and in the other, the Lord who unnecessarily gave a feast on that day might do so with impunity. He (the Lord Chancellor) should like to know what Magistrate—for be it recollected, that there was to be a summary conviction—without the intervention of Judge or Jury, could determine the marks and character of works of necessity or charity. He challenged any man to state distinctly what was a work of necessity and what was not. One man might say, that it was a work of necessity to go and see a sick child or parent, and another might consider that it was not so. One man might say, that it was a work of necessity to make a will on Sunday, while he (the Lord Chancellor) did not think that it was so. He, however, thought that there might be a case in which it was a work of necessity to make a deed or mortgage on a Sunday, whereas it was stated in one of the clauses of the Bill, that any deed or mortgage made on Sunday was void and of no effect. He also doubted whether they could say what was a work of charity. He knew of no legal definitions of charity, unless in connexion with charitable bequests or charitable institutions. He was unable to give any definition as to what was a work of charity. Again, he saw nothing in the Bill to prohibit a post-boy from driving a gentleman in his own carriage on Sunday; but, whatever might be the object of a person not keeping a carriage, he would be unable to get post-horses. Was there any exception to enable a physician who did not keep his carriage to visit a sick patient. There might be cases which he thought of the greatest exigency, namely, visiting a parent or child dangerously ill. A person was to be allowed to do so provided he could keep a carriage, but not so for a poor man. The noble and learned Lord could not restrain the progress of disease; he could not prevent the tide of life ebbing out during the time of divine service; but the apothecary of the poor man who did not keep his carriage could not visit a sick patient at a distance during these hours. The noble and learned Lord might say, that the defects which he (the Lord Chancellor) had pointed out might be remedied; but the Bill was so full of holes that, however anxious he might feel to amend it, he was sure it would be impossible to do so. Mr. Wyndham once said, that he did not know where to begin or where to leave off his objections to some matter under discussion—he (the Lord Chancellor) believed the Walcheren expedition—and such was what he felt with respect to the present Bill. There were many other things in the Bill as bad and objectionable as those he had mentioned; for instance, in one of the clauses there was a positive inducement to conduct much worse than drinking on Sunday. It was proposed in one of the clauses, that any master paying wages to his workmen engaged at a weekly salary on any other day but the day before market-day might be called upon to pay them over again. Was not that opening the door to constant disputes between master and workmen, and was it not also holding out an inducement to fraudulent conduct on the part of the workmen? The dishonest workman might, in some cases, be enabled to get his wages twice; he might go to his master and state that his wife or his child was ill, and might work upon the heart of the master so as to induce him to let the man have his wages, and a day or two after he might turn and say, "Ay, you paid me on such a day, but that was illegal, and you must pay me over again." There was no discretionary power given with respect to this clause; but the workman could enforce payment. He (the Lord Chancellor) had no doubt, that this circumstance had never been thought of by those who framed the clause, but it was a strong objection. He was aware, from the votes of the other House, that its Table was crowded with petitions on the subject; and at present he believed, that more than one measure on the subject was then under consideration. He had no doubt, that at least one of them would be brought under the consideration of their Lordships; and, therefore, he would suggest to his noble and learned friend, whether it would not be better to let his Bill stand over for the present. He recommended this course as he did not wish or mean to move its rejection. If a Bill was sent up from the other House, both measures could be referred to a Committee up stairs. As to sending the Bill to a Committee as it stood at present, he, with every disposition to give full credit to the noble and learned Lord for his labours in it, felt that it was utterly impossible to vote for it. He (the Lord Chancellor), after what he had said of the Bill, might move, that it be read this day six months; but he would not do so, because it might appear as if their Lordships were not anxious to concede the wishes of the people on the subject. All that he desired was, that they should go on carefully and cautiously. That was all he desired; and he was extremely anxious, that his motives should not be misconstrued on the subject. He regarded the question as involving something more than religious considerations, as he thought that nothing contributed more to the comfort and well-being of the people, than securing to men a day from their secular occupations. This object was of importance to the upper, the middle, as well as to the humbler classes of society. He was aware, that there was a strong religious feeling on the subject, and he was, therefore, most solicitous that nothing should be said or done which could lead it to be supposed, that the House was indifferent on the subject. The present Bill, however, was most injurious in its tendency; and, he was sure, could not receive the sanction of the Legislature. He, therefore, humbly suggested to his noble and learned friend, that he should postpone his measure until the Bills on the subject came up from the Commons, when the whole subject could be referred to a Select Committee.

The Bishop of *London* said, that under all circumstances of the case, and to avoid a discussion which might be productive of results unfortunate to the measure, he would recommend his noble and learned friend (Lord Wynford) to adopt the suggestion of the noble and learned Lord on the Woolsack. He (the Bishop of London) would also humbly suggest, that it would be better to wait for the measure from the other House, which would more probably be successful coming from the other House, than a measure would be, sent down by their Lordships. From what had taken place in the other House, he thought that there was a fair prospect of something being done; and there could be no great harm in waiting for a short time. At any rate, he was anxious that there should be no division; and that it might go forth to the country, that there was a disposition in both Houses of the Legislature to do what, under existing circumstances, was practicable on this subject.

Lord *Wynford* felt called upon to make

some observations in reply to the speech of the noble and learned Lord on the Woolsack; but, before he did so, he wished to observe, that he thought he had told his right reverend friend, that he did not intend to proceed, for the present, beyond the second reading of the Bill. The noble and learned Lord had grossly misrepresented the Bill before the House. He had detected a literal error in the first clause, and had assumed, that the error applied to the whole Bill. He denied, that there was anything in the Bill to authorise the construction that the noble and learned Lord had put upon it. The noble and learned Lord ought to have recollected, that, in a Bill which he had lately before the House, there was an error much more extensive than any that had been found in that on the Table. The noble and learned Lord's Bill involved a mistake throughout. He alluded to the Bill brought forward by the noble and learned Lord for the trial of offences in parts of Essex, Kent, and Surrey, at the Old Bailey; in which all mention of an extensive class of offences was omitted. [The *Lord Chancellor:* That was an error of the press.] After the error of the Press had been corrected, the omission was continued. The object of the noble and learned Lord in the extraordinary speech which he had made—and he (Lord Wynford) had never heard a more extraordinary speech from any noble Lord—was, from the beginning to the end of it, to throw ridicule on the whole subject. The noble and learned Lord had said, that the Sunday was at present well observed. Where the noble and learned Lord got his knowledge on the subject, he (Lord Wynford) did not know; but all the witnesses examined before the Committee of the House of Commons gave an account of the matter directly contrary to that of the noble and learned Lord. It was stated by several witnesses, that there were shops open in several parts of the town on the Sunday; and that, in Lambeth, the shops were kept open as on any other day. Was that a proper observance of the Sabbath? The noble and learned Lord said, that this measure would be oppressive to the lower orders of the people, and inimical to their feelings. He (Lord Wynford) would tell the noble and learned Lord, that he knew little of the feelings of the lower orders. He was in an exalted station, and had no means of becoming acquainted with their opinions on the subject. He (Lord Wynford) would venture to assert, that the feelings of the lower orders were decidedly in favour of the Bill; and he had had many letters and other communications from public meetings of the labouring classes in which they urged him to proceed with his measure, and afford them relief and protection from the cupidity of their masters. The noble and learned Lord had proceeded to discuss some of the clauses in a manner peculiar to himself; and in which, he thanked God, he could not imitate the noble and learned Lord. The noble and learned Lord had misrepresented the clause with respect to public-houses. There could be no doubt, that the noble and learned Lord intended what he had said for a joke, and that he had spoken with a view of throwing ridicule on the subject; as he must have known, if he had read the clause, that it only referred to letting into public-houses during the period of divine service. The only object of the clause was to prevent persons being in public-houses, when they should be at places of worship. The noble and learned Lord asked, how the publican could judge, on Sunday or any other time, as to the quantity a person had drunk previous to entering his house. In answer, he would only observe that, however learned the noble and learned Lord might be on other parts of the law, he was completely ignorant of it on this point; and, if he would look, he would find that there were laws in the Statute Book to prevent men tippling on Sundays in public-houses. He was also surprised, that the noble and learned Lord had never seen the word "charity" used in any statute, but that respecting charitable donations. The words "works of necessity and charity" were used in the statute of Charles 1st, and in other statutes to which he could refer. If the words were ridiculous, he would only observe, that they were not brought forward by him, but had been made use of in statutes introduced by some of the most learned men of their day. The noble and learned Lord also said, that this Bill would prevent a man making his will on a Sunday. There was nothing in it to prevent a man doing so. All that was prevented was the execution of deeds on that day; and he had told the noble and learned Lord, that he intended to modify this part of the Bill.

The *Lord Chancellor:* Any person not engaged in works of necessity was to be liable to penalties. Would an attorney drawing a will be so engaged?

Lord *Wynford:* Making a will on Sunday might be a work of necessity.

The *Lord Chancellor* said, he did not think so.

Lord *Wynford:* All that was meant in the clause was, that a man should not engage in trading in his worldly calling on the Sunday. He begged to remind the noble and learned Lord, that it was customary to construe Acts of Parliament by their general meaning, and not by detached sentences.

The *Lord Chancellor* wished to know whether an attorney making a will was not engaged in his ordinary and worldly calling.

Lord *Wynford* presumed, that the noble and learned Lord intended his observation for a joke, like the rest of his speech, which was merely a string of jokes. The noble and learned Lord, when he alluded to the attorney, ought to have remembered, that when the principal was innocent, the accessory was also innocent. If the noble and learned Lord was determined to make so many jokes on the Bill, he ought, at least, not to have misrepresented it. Where did the noble and learned Lord find a word in the Bill to prevent a poor man travelling on a Sunday? If he looked at it, he would find that the clause only prevented goods being carried on Sunday, unless in case of necessity. He never recollected such gross misinterpretation of any Bill as the noble and learned Lord had put upon that on their Lordships' Table. In vindication of his own character, he felt bound to say, that the noble and learned Lord had misrepresented every clause in it, from the beginning to the end. He, in conclusion, would only observe, that, in moving the second reading of the Bill, he did not intend to press it further until it was ascertained whether any measure would be sent up from the other House.

The *Lord Chancellor* was anxious to say one word in explanation. Every noble Lord who had heard his (the Lord Chancellor's) speech must feel surprised at the accusation brought against him of misrepresenting the Bill on the Table. One of the clauses of the Bill distinctly declared, that no trader, or artificer, or labourer, or any other person, should be engaged in his ordinary calling on the Sunday, or be employed in any other work. Might not an attorney be informed against under this Bill for pursuing his ordinary calling?

Lord *Wynford* called the noble and learned Lord to order.

The *Lord Chancellor* said, that he was not out of order, as he was explaining that he had not been guilty of misrepresentation. The noble and learned Lord had taken credit to himself for his good humour, with which, however, on the present occasion, he appeared to be little troubled. He begged, however, to state, that nothing was further from his thoughts than to make any thing like a wilful misrepresentation of any of the clauses or provisions of the Bill.

Lord *Plunkett* regretted, that the Bill had been introduced, and he concurred in the objections made by his noble and learned friend on the Woolsack. He objected particularly that that clause relative to the payment of wages, whereby frauds would be caused, since it would enable labourers to claim a second time payment of their wages if, in the first instance, those wages had been paid them on the Sabbath-day. According to the present Bill, every species of contract entered into on the Sabbath-day would be null and void. He begged to ask the noble and learned Mover whether a marriage contract entered into on the Sabbath-day would be rendered null and void by the present measure?

Lord *Wynford:* Before I answer that question I beg to be allowed time to consider of it.

Lord *Plunkett* was sure, that the noble and learned Lord would take plenty of time to consider on such a matter if it were his intention to enter again into the blessed state of matrimony. But he would suppose a case. He would suppose a gentleman meeting a lady on a Sunday, and entering into a contract with her to the following effect:—"Madam, I'll consent to marry you, if you will be so kind as to consent to marry me." Very well, then, after this offer, let them suppose that the lady took the gentleman at his word, and accepted of his offer, and agreed to the contract; but it might afterwards happen, that the gentleman might think better on the subject, and refuse to fulfil the contract. He might perfectly well make such a refusal, since the present Bill would completely exonerate him from performing the contract. He was extremely unwilling to move, as an Amendment, that the Bill should be read a second time that day six months; but he felt, that he would be obliged to do so if the noble and learned Lord persisted in his Motion.

Lord *Wynford* said, his great object was to have the Bill read a second time. Their Lordships might make any amendments they thought proper, or even reject the measure, at some future stage of the proceedings.

The Earl of *Wicklow* deprecated the long string of witticisms in which the noble and learned Lord on the Woolsack had so copiously indulged. No single Bill, no matter of what description, could be introduced into that House, which, with the peculiar talents and powers possessed by the noble and learned Lord, might not be treated with exactly the same levity that the present Bill had been treated with. He, however, thought, that the present was not the most opportune occasion for a display of those peculiar powers. For his own part, he really did not think any new legislative enactment necessary to enforce the better observance of the Sabbath-day. However, he felt, when he considered how strongly the public mind had been excited, that some measure was called for. He could see no reason, however, why their Lordships' House, in their legislative character, should abstain from introducing Bills merely for the reason, that similar Bills were, or might be, brought into the other House of Parliament. Their Lordships very well knew that scarcely a single measure had originated in that House during the present Session, whilst during the very same time the other House was overwhelmed with business. He contended, that the House of Lords represented the people equally as much as the other branch of the Legislature. If that were not the fact—if such were not the case—why, he would ask their Lordships, was their Table covered with petitions in favour of the present measure, and measures of a similar character? He would suggest to his noble and learned friend to withdraw the present Bill, and to prepare another, which, he had no doubt, would meet with the gravest consideration of the House. It was of the greatest importance that his noble and learned friend should make some alteration in the provisions of the Bill; and this would only be done well by framing a new one. If his noble and learned friend would comply with this suggestion, he felt confident that their Lordships would give the new measure all the just consideration it demanded.

The Earl of *Radnor* concurred generally with what had fallen from the noble Earl who had just spoken. He thought, however, that, at the present time, the Sabbath was, taking it altogether, extremely well observed. He agreed with the noble Earl as to the suggestion thrown out to the noble and learned Lord who had brought in the Bill; and he hoped that that suggestion would be attended to. He felt, that it was utterly impossible to argue the Bill seriously. There was no single clause, from the beginning to the end, except, perhaps, the last clause, which was not a mere matter of form. It certainly appeared to him, that his noble and learned friend laboured more at effect in the latter part of his speech than was necessary. In conclusion, he recommended the noble and learned Lord to withdraw the present Bill, and endeavour to produce something better. He really did not see how the present Bill could be satisfactorily amended.

Lord *Wynford* begged to say a few words as to the withdrawing of this Bill. If the noble Earl objected to the principle of the Bill, no Bill of a similar character, no matter how it might be amended, could prove satisfactory to him. For his own part, he wished that the Bill might be allowed to have a second reading, and be amended afterwards; but if noble Lords thought otherwise, he begged them to throw it out at present altogether. If the Bill were allowed to pass its present stage, he would allow a month for its committal; and he begged to assure their Lordships, that he would consider himself pledged to attend then to all their suggestions. If they meant to throw out the Bill, let it be done now. He had nothing further to say, than that, in Committee, he would endeavour, as far as it was in his power, to correct any errors that might have crept into the measure.

The Bishop of *Exeter:* The chief question was, whether the principle of the measure was approved of or not. The principle of the measure was, in his opinion, clearly stated in the preamble of the

Bill, in which it was set forth, that it was necessary that there should be better provisions for the observance of the Lord's-day. He agreed in some measure with the noble and learned Lord on the Woolsack in his opinion of the details of the Bill. Though there were, however, many faults in the measure, still he did not think them so grave as that they might not be amended. He could not, therefore, give a negative to the second reading, since it was his opinion, that some legislative enactment was necessary, in order to provide for the better observance of the Lord's-day.

Lord *Auckland* said, that he had compared the original Bill with the printed copy, and found that they did not differ. The clerical errors complained of were scarcely any, and no blame was to be attributed to the officers of the House.

The *Lord Chancellor* wished to say a word or two in explanation. One of the most extraordinary misrepresentations he had ever heard, either in that House or beyond its walls, was that made by a noble Earl (the Earl of Wicklow) who had lately addressed their Lordships. It was a most extraordinary and uncalled-for misrepresentation; yet did he not attribute it to wilfulness on the part of the noble Earl, but to the fact, that the noble Earl did not understand either the scope, drift, or course of his argument. The noble Earl had said, that he had treated the Bill before their Lordships with levity. No one else but the noble Earl could perceive, that the scope of his argument savoured of levity. He argued the Bill seriously; and his great objection to it was, that it would render unpopular the importance of having the Sabbath religiously and decorously observed. He begged distinctly to deny, that he had treated the subject with levity; but the noble Earl was so completely lacking of perception, that he could not understand the drift of his observations. It was the absurdity of the measure, and not any observations of his, that created laughter. Was it not most absurd to punish publicans for allowing their guests to get tipsy? How could publicans know the precise capacity of any man's head or stomach? How could they know what quantity of liquor was necessary to make their guests tipsy? It was impossible to call the attention of their Lordships to such absurd clauses as this, without creating, in some sort of way, laughter. He begged to repeat, that he acquitted the noble Earl of wilful misrepresentation; the only fault of the noble Earl was, that he misunderstood the scope of his (the Lord Chancellor's) argument.

The Earl of *Wicklow:* The noble and learned Lord, with his usual attachment to introduce reform into this House, has favoured it with no less than three speeches. He has stated, that I have misrepresented him, not wilfully, but through misconception. I shall say nothing in answer to that; and as the noble Lord has solemnly stated, that he did not intend to treat the Bill with levity, I have not a word, of course, to say in contradiction.

The House divided on the Second Reading: Contents 16; Not-Contents 13 — Majority 3.

Bill read a second time.

List of the CONTENTS.

Bangor, Bishop of
Beresford, Viscount
Bexley, Lord
Cashel, Archbishop of
Chester, Bishop of
Colchester, Lord
Exeter, Bishop of
Feversham, Lord
Gage, Lord
Gloucester, Bishop of
Kenyon, Lord
London, Bishop of
Prudhoe, Lord
Wicklow, Earl of
Winchester, Bishop of
Wynford, Lord

Against this measure the Lord Chancellor entered the following Protest:—

Dissentient,

1. Because I consider that this Bill has a direct tendency to bring odium upon the observance of the Sabbath, and contempt upon sentiments so virtuously felt and so strongly expressed by the people of this country in behalf of the Sabbatical Institution.

2. Because it seeks to interfere with the occupations and relaxations of men and their ordinary habits, and attempts to effect, by Legislative provision, what can only be advantageously or even safely brought about by the manners of the people being amended and their religious and moral feelings strengthened.

3. Because it forbids many acts which men may be justified, and even compelled, to perform on the Sabbath-day.

4. Because, like all Legislative interference with the habits of the people, it tends to beget the far worse habit of violating the law, and thereby both impairs the character of the subject and lowers the authority of the lawgiver.

5. Because the pressure of its provisions is most unequally distributed among the

different classes of the community, and bears almost exclusively upon the poorer members of it.

6. Because the Bill itself is so framed as not to attain its avowed object merely, but to disturb the whole transactions of mankind at all times; and, because, most of its provisions must be remodelled in order to confine its operation to what alone it intends to accomplish.

7. Because it appears to me exceedingly discreditable to any Legislative assembly to entertain a measure which is admitted to be framed in so careless a manner, that it prohibits, in its present shape, innumerable things which it cannot be intended to effect in any way, and which if those errors were corrected would still be found to abound in enactments wholly impossible to be enforced.

8. Because this Bill, even if corrected as to its admitted mistakes, would still prohibit a poor man from travelling, whatever necessity might require it, at certain times, by the only conveyance he can afford—viz. public carriages.

9. Because it would prevent all classes from making their wills, though in extremities, on the Sabbath, if the aid of professional men were required for that purpose.

10. Because it appears also to intend to prevent any one from travelling post on the Sabbath, and so to compel travellers to remain at public-houses unnecessarily on that day.

11. Because it subjects all keepers of public-houses and beer-houses to the visitation of constables during seven hours every Sabbath, though no beer or spirits be sold during those hours; and to the like visitation at all hours of any day when liquor is sold, for the purpose of removing from those houses any friend or relation who may be calling or visiting there, not being a customer, traveller, or lodger.

12. Because it avowedly seeks to check drunkenness, as if that were the only vice now calling for prevention, and attempts doing so by making the publican liable to penalties, and to the loss of his licence, and consequently to ruin, for the intemperance of his guests, which he cannot by any possibility prevent, if he furnishes any quantity of liquor at all to them, and does not previously ascertain how much is required to intoxicate them; and even if he shall succeed in ascertaining that point, it makes him liable to the penalties if he furnishes liquor to more than one guest in the same room, unless he also remains present while they drink it, or cause his waiters to remain present, in order to see that each guest only consumes the quantity which he is capable of drinking without intoxication; and because I verily believe, that no measure of so extravagant a nature ever yet received the sanction of any assembly of rational beings.

13. Because the publication in churches of divers notices, by virtue of various statutes, is abolished, without the least precaution being taken to provide a substitute, inasmuch as the affixing to the church-door, without any provision to prevent, or even any prohibition of removing or defacing, the same immediately after, whereby much important business will be at a stand; and because this part of the Bill has been framed without any regard being had to the great difficulties presented by the subject of publishing parish and other notices, a difficulty which is known to have been the origin of those salutary enactments requiring publication in church.

14. Because it encourages workmen to be guilty of dishonesty towards their masters, by first obtaining payment of wages on a forbidden day, and then again suing, as the Bill authorizes them, for a second payment of the same wages.

15. Because it appears altogether absurd to hold, that by rejecting a Bill professing to have a good object in view, on the ground of its total inefficiency to accomplish its purpose, and of its tendency to create far worse mischiefs than any it pretends to prevent, any discountenance whatever is given to the proposed object, or indeed any opinion at all is expressed upon the matter.

16. Because, upon the whole, it appears to me, that the countenancing a measure so framed, and liable to such objections, is calculated to lower the authority of this House, exposing it to be charged with motives creditable neither to its wisdom nor impartiality, while the tendency of giving such a measure such high countenance is to injure the cause which it professes to serve, and to bring everything connected with the subject into unmerited contempt.

HOUSE OF COMMONS,

Thursday, May 15, 1834.

MINUTES.] New Writs ordered. For the City of Edinburgh, in the room of the Right Hon. FRANCIS JEFFREY, Judge of the Court of Session.—For the Leith District of Burghs, in the room of JOHN ARCHIBALD MURRAY, Esq., LORD

Advocate of Scotland.—For Derby County, in the room of Lord Cavendish, now Earl of Burlington.

Petitions presented. By Mr. E. L. Bulwer, from the Baptists of Lincoln, against the Proposed Measure of Church Rates; from Framfield, for Amending the Poor Laws.—By Sir Ronald Ferguson, from Nottingham, against the Poor Law Amendment Bill.—By Messrs. Tynte, Strutt, E. L. Bulwer, and Briscoe, from several Places,—for the Repeal of the Septennial Act.—By Mr. Alderman Wood, from the Vintner's Company, against the Justices of the Peace Bill.—By Mr. Grote, from a Dissenting Congregation, for Relief to the Dissenters; and by Captain Yorke, from Cambridge, against granting their Claims.—By Mr. Littleton, from the Retailers of Beer at Darlaston, for being put upon a Footing with Licensed Victuallers.—By Mr. Hyett, Mr. Scott, Sir Edward Knatchbull, from several Places, —for the Repeal of the Sale of Beer Act.—By Mr. Hodges, from several Places, for the Repeal of the Malt Tax.—By Mr. Sinclair, from a great Number of Places, for an Alteration in the present System of Church Patronage in Scotland.—By Mr. Scott, from a Number of Places, for the Better Observance of the Sabbath.—By the Earl of Darlington, from several Places, against the Universities' Admission Bill.—By Mr. Dillwyn, from Swansea, for an Inquiry into the Causes of Drunkenness.—By Mr. Ewing, from the Handloom Weavers of Glasgow, and other Places, for Relief.—By Mr. Wyndham, from two Places, against the Poor Law Amendment Bill; from several Places, for the Repeal of the Malt Tax.—By Mr. Briggs, from Manufacturers and others, against Trades' Unions.—By Mr. Ewing, from Balfour, for an Inquiry into the Pension List; from Guildry, for Simplifying the Laws relating to Sequestrations (Scotland); from the Bakers of Glasgow, for Permission to manufacture Foreign Wheat into Biscuits for Exportation; from the Colliers of Lanark, for preventing the Arrestment of Workmen's Wages; from Dening, for the Separation between Church and State; from several Places, against Church Rates; from Lanark, against; and from Stevenston, in favour of, the Alteration in the System of Church Patronage.—By Mr. Cumming Bruce, from Forres, against Clandestine Emigration.

Admission to the Universities.] Mr. *Hughes Hughes* said, he had the honour to be intrusted with the presentation of a Petition from the Mayor, Bailiffs, and Commonalty, of the city of Oxford, in Common Council assembled, unanimously adopted at a Council on Monday last, and to which the common Seal of the Corporation was attached. The petition coming from a body of so much consideration, and which, during the three Parliaments he had had the honour of representing the city of Oxford, had not, he believed, presented as many petitions to that House, and also on account of the importance of the subject to which it referred, he had thought it right to give notice of his intention to present it, and then requested the indulgence of the House for a few minutes. The petition, after noticing that a Bill had lately been brought into Parliament to remove certain disabilities which prevent some of his Majesty's subjects who dissent from the doctrines of the Church of England from resorting to the Universities, and proceeding to degrees therein; went on to state, that should the measure sought by the Bill in question, receive the sanction of the Legislature, the petitioners predicted the most serious consequences; that it would be an infraction of the ancient rights of the Universities—an innovation of their discipline—would lead to schisms amongst the students—to the overthrow of those regulations which time had proved so essential to the promotion of learning, and the advancement of the great and solid interests of the country in Church and State—and eventually to the subversion of the Established religion; it moreover stated, that the union which had so long and so beneficially subsisted between the Universities and the Church of England (deeply felt by the petitioners) would virtually become extinct; and that beyond what the petitioners had thus submitted to the consideration of the House; there was another fundamental objection to the Bill,—namely, that it proposed to admit not only persons of every or any religious persuasion, but, to allow men destitute of all religious principle whatever, to matriculate and to proceed to degrees; and that so privileged, such graduated sects would go forth to the world with all the force and effect which learning could confer, to inculcate their mischievous principles. It was upon such grounds, that the petitioners prayed the House that the Bill of the hon. Gentleman opposite, the member for South Lancashire, (Mr. G. W. Wood), might not pass into a law, in which sentiments and prayer he (Mr. Hughes Hughes) entirely, and most heartily concurred. He thought it right to take that opportunity of alluding to what had been said in the House on the 14th of last month, upon occasion of the right hon. Secretary to the Treasury (Mr. Spring Rice), proposing the annual grant to defray the charge of salaries and allowances to the Professors of the Universities of Oxford and Cambridge. The hon. and learned member for Bath, (Mr. Roebuck), stated, that on behalf of the great body of the Dissenters of the kingdom, he opposed, most strenuously, the grant in question; he added, that the House, sitting there as the Representatives of a great nation, was called upon to give certain salaries and allowances to certain national Universities, from which, nevertheless, a portion of the people was entirely excluded. To his unspeakable surprise, that speech was thus met by the right hon. Secretary to the Treasury; he said, he should be desirous that the grant should not be opposed; this, of course, was to be expected, but would the House believe the reason assigned—because one of the strongest arguments which could be urged in favour of the general principle of the admission of Dissenters to the Universities was, that out of the produce of the general taxation of the country those contributions were made for the support of the Universities. In consequence of that discussion, he (Mr. Hughes Hughes), felt it to be his duty to move for the return he held in his hand, and which had been delivered to hon. Members that morning. It was a return of the number of Members admitted to, and of Degrees granted by each of the Universities of Oxford and Cambridge, and also of Testimonials or Certificates of Admission to Degrees given during the last three years; distinguishing each year, and each Class of Degree; the amount of duty payable respectively on the Admission or Matriculation of Members, and on the grant of each Class of Degree, and also on Testimonials or Certificates of Admission to Degrees; and the aggregate amount of duty so respectively paid in each of the three years, ending 31st December last. From this return it appeared, and figures could not err, that in the year 1831, the stamp duty paid to Government on those several accounts was 5,037*l.*, while the pitiful grant made to them for the salaries of Professors was 900*l.*; in the year 1832, was 4,887*l.*, the grant being 900*l.*; and in the last year, was 5,181*l.*, the grant being 1,264*l.*; thus proving, that in addition to the various other respects in which the country was indebted to the Universities, she was their pecuniary debtor in the course of the last three years to an amount not less than 12,041*l.* upon the balance of a debtor and creditor account; and, he might fairly add, 400*l.* for Certificates of Admission to Degrees at Cambridge, a register of them, as the return stated, being kept at that University; 401*l.* being the amount received under that head at Oxford during the same period, and the return of the Universities in other respects being so very similar in amount. He could not help reminding the House, that the grant to which he had alluded, was originally an annual acknowledgment by the Sovereign out of his hereditary revenues to the Universities, of their encouragement of learning and science; but now, in consequence of his Majesty's exchange of his hereditary revenues for a Civil-list, the item was necessarily transferred to the votes, and had annually been made the subject of cavil, and in the years 1831 and 1832 of divisions in Committees of Supply; an hon. Member of some notoriety at the time (he meant Mr. Hunt), contending, on one of those occasions, that it was money taken out of the pockets of the weavers of Lancashire. He hoped he had justified his Motion for the return in question, which would disabuse the public mind on that part of the subject at least, and show that the money granted to the Universities was not equal to one-fifth of the amount of stamp duty received from them. So much for what he was willing to concede to the right hon. Secretary to the Treasury to be one of the strongest arguments, the very strongest if he pleased, which could be urged in favour of the general principle of the proposed measure. He would add, "*ex uno disce omnia,*" such was a sample of the right attached to most of the claims put forth by the Dissenters when they came to be investigated. Having disposed of their right on pecuniary grounds, he would endeavour to show the impossibility of the admission of Dissenters to the Universities, and with them Atheists and Infidels, who, if the Bill should pass, would claim to be admitted. [The hon. Gentleman read the petition, and then continued]. The last sentence was conclusive in favour of his argument, that it was impossible effectually to receive Dissenters into the Universities, unless the House was prepared to enact that the tutors should not instruct the youth committed to their care according to the dictates of their own consciences and their sense of religion, but agreeably to the various views of the several parents of the young men, a tyranny, he felt assured, the House was not prepared to exercise, and yet, without which the Bill of the hon. Member would be a complete delusion upon the Dissenters. In its present form, the Bill would be perfectly harmless, because it would be inoperative, and it might, therefore, he believed, be safely passed, if it were right to legislate after that manner, and to delude the expectations which it would raise. A Dissenter or an Atheist might then be admitted to the Universities, but, finding he must conform to the doctrines and discipline of the Church of England, would soon be compelled to withdraw from them. He called upon the hon. Member to state to the House, whether he believed, that the Dissenters would relax the discipline, or alter an iota of the rules and regulations of their colleges or schools, of which they had several, in order to meet the scruples, and accommodate themselves to the admission of Churchmen within their walls; and, if not, upon what principle of equality or fairness they could claim the assent of the Universities to the Bill before the House? He had thus endeavoured to give expression to the sentiments of the distinguished Corporation which had done him the honour to intrust to his hands their unanimous petition, which he moved should be brought up.

Lord *Norreys* rose to second the prayer of the petition. He thought the sentiments so unanimously expressed, in a manner so marked and so decided, by the members of the city of Oxford, (who from long connexion were intimately acquainted with the forms and practices of that University), were entitled to the attention and serious consideration of the House. He had presented numerous petitions on this subject, signed by men of all parties, of various political opinions, men of liberal principles, who had been sincere friends to the cause of civil and religious freedom; who were in favour of the repeal of the Test and Corporation Acts; who had been the consistent advocates of Catholic Emancipation; and who had assisted in carrying the great question of Parliamentary Reform, but who viewed the proposed measure with alarm and astonishment. He would not now stop to inquire, he would not enter into a discussion as to what the effects of that measure would be on the Universities. There were other reasons sufficiently strong to induce him to oppose the Bill. The arbitrary and oppressive nature and tendency of the Bill were grounds, to his mind, sufficient to warrant an opposition to that measure. On what grounds of equity and justice could the House proceed to deprive the Universities of that which had been secured to them by Royal Charter? Their undoubted right to exercise their own discretion in the admission of their members, and the power to frame their own statutes for the regulation of their own concerns. What right, he would ask, had Parliament to annul and abrogate these statutes? But he would put the case in a still stronger light: What right had that House to interfere with the rules and regulations of the respective colleges of those Universities?—to dictate to them, to compel them contrary to the will and express intention of their founders; contrary to the opinions deliberately expressed by a vast majority of those engaged in the tuition of youth—what right had they to compel them to admit any person within their walls without their own consent? Pass that Bill, and they not only sanctioned a violation of chartered right, but they recognized the doubtful and dangerous principle, that that House had the power of disposing of the property of individuals. But he would tell the hon. Member opposite, who introduced the Bill, the Bill might pass that House, and pass into a law, and become the law of the land, but unless he was prepared to have recourse to physical force to carry its provisions into effect, he would defy him to frame any measure which would compel the authorities of the colleges to admit any one within their walls against their own free will. He gave his cordial support to the prayer of the petition, as against a measure the most arbitrary and oppressive that ever was introduced to Parliament, insulting to the Universities, and at variance with the principles of a free Constitution.

Mr. *George Wood* said, that in bringing forward this Bill, he had not sought to promote any political object. He had no wish to interfere with the property or Statutes of the Universities; he only required that all his Majesty's subjects should be equally eligible to participate in the benefits derived from them.

Mr. *Blackstone* supported the petition, and contended, that if the Bill were sanctioned, it would be a most unjust and unwarranted interference with the Universities.

The Earl of Darlington presented petitions from several places to the same effect.

Mr. *Milnes Gaskell* was anxious to say a few words on the subject of these petitions, and the more so, as he was placed in a position of some delicacy by the Bill to which they referred. Much of the property which his family possessed was derived from Dissenters, and, on that account, as on many others, it would have been a source of sincere gratification to him to have been enabled to support the Bill; but having carefully examined its provisions, and given the whole subject his best consideration, he felt that he owed a higher duty to the University at which he had been educated, and to the Church, of which he was an attached and zealous member. He wished he could regard this measure as one of mere relief from disqualification, but he viewed it as one of pains and penalties on the Established Church, as incompatible with the maintenance of religious instruction, and as rather imposing disabilities on the Universities, than removing them from the Dissenters. He should feel constrained, therefore, however reluctantly, to oppose the Bill."

Petitions to lie on the Table.

Arson.] Mr. *Lloyd* moved for leave to bring in a Bill to amend the law relating to wilful Burning. He understood that the introduction of the measure would not be opposed; and he should therefore explain the outline of it very briefly. His object was mainly to reduce the punishment now affixed to the crime of arson, as he considered it one of the remaining blots of our sanguinary Penal Code. The House was aware, that there were many degrees of criminality, and it would not be disputed that the punishment ought, as far as possible, to be adapted to the degree. His second object was, to give more effectual protection to property. He proposed to retain the capital punishment for setting fire to any inhabited house or building attached, or immediately contiguous to a house, but he wished to abolish it in cases where fire was set to buildings or property by the burning of which human life would not be endangered. He took this main distinction—that offences against property ought not to be confounded with offences against life. He intended to provide, therefore, that where life was not put in peril by wilful burning, the offence should be punished by transportation. Barns or stacks, not connected with or endangering the consumption of dwelling-houses, would come within this distinction. The result of experience had warranted the dictates of humanity in reducing the amount of punishment and increasing its certainty. He entreated the House not to be carried away by any vindictive feelings from the recent prevalence of wilful fires in the country, as the chief ground on which he rested the change was, that crime would be lessened by the diminution of punishment, as the guilty, through feelings of compassion on the part of the Jury, would in no case be allowed to escape.

Lord *Althorp* felt considerable doubts as to the policy of the course recommended, though he concurred in the principle that the punishment should be such as to ensure conviction. He also thought it expedient, where it could be done safely, to diminish the number of capital punishments, and to confine them as far as possible to crimes endangering human life. At present a distinction was taken between setting fire to stacks of stubble or stacks of corn, and the guilty had in some instances escaped. He was afraid of meddling with the subject at present, unless it could be clearly shown that the lessening of the punishment would lessen the frequency of the crime by increasing the certainty of conviction. He was not, however, prepared to say, that the Bill should not be introduced.

Mr. *Hill* was clearly of opinion that the effect of the change would be to augment the certainty of conviction. He had defended prisoners whom he knew to be guilty, but whom the Jury from compassion would not consign to the punishment of death. The alteration of the law would prevent impunity.

Leave given, and Bill ordered to be brought in.

Repeal of the Septennial Act.] Mr. *Tennyson* rose to bring forward the Motion of which he had given notice, for the Repeal of the Septennial Act. He considered, that he was now rather resuming an interrupted discussion of last Session than opening a new Debate. The noble Lord, on the former occasion, had moved the previous question, with a view that Members might avoid giving an opinion upon the merits, which it was inconvenient to discuss at that late period of the Session. He had hoped, that in the interval Government might have determined to introduce it as a Cabinet question; and he was quite confident, that several members of the Administration were favourable to shortening the duration of Parliament. He did not at all know what course the noble Lord intended now to pursue; but he regretted that the Repeal of the Septennial Act was not submitted to Parliament at the settlement of the great measure of Reform. Ministers would thus have gained greater credit for the measure, and have added another wreath to the immortal crown of his present Majesty. It would have come with the more grace; recollecting that the Septennial Act was passed to secure more effectually the throne to the House of Brunswick. The people cheerfully surrendered for a time their right of more frequent election of their Representatives for this purpose; and now that there could be no danger as to the succession, the present servants of the Crown might very properly have advised his Majesty to alter the law. Without entering into the matter at length, he would remind the House that, at the Revolution, the period of three years was considered the fit duration of a Parliament.

Mr. Secretary *Stanley* remarked, that the period of three years was not fixed at the Revolution, but afterwards.

Mr. *Tennyson* admitted, that the Triennial Act did not pass until 1694, several years after the Revolution; but the Bill of Rights had asserted, in rather equivocal terms, that frequent Parliaments were necessary. It was a *vexata questio*, whether it was meant by those words to imply, that frequent elections were necessary; but five or six years afterwards, the great men who lived at the time of the Revolution, concocted the Triennial Act, thus clearly explaining the terms of the Bill of Rights. The term of three years was, in fact, a compromise between the holders of two extreme opinions—between those who contended, on the one hand, that the Crown had the right to protract the existence of a Parliament for an indefinite period — it might be for ever— and those who, on the other hand, argued the right of the people to annual Parliaments. From the time of Henry 8th to the period of the Revolution, there were forty-two Parliaments, and, out of this number, there were twenty-six that existed for a less term than a year. From the time of Charles 1st to the Revolution, there were twelve Parliaments, and the average duration of these twelve was three years. Calculating the duration, excluding the Long Parliament, the average term would be found to be not more than nine months. It was surely wrong, then, to suppose that there had been long Parliaments prior to the passing of the Triennial Bill. Three years appeared to him to be a reasonable period for the transaction of public business; and he thought he could show, that this time was quite consistent with the general principles of our Constitution. The old practice unquestionably was to assemble Parliament with a view to the despatch of business such as might probably arise. The language of the ancient writs would, he thought, establish this fact. It would appear from them, that Parliament was always summoned with reference to certain matters foreseen, at the period at which Parliament was called together, as likely to require its attention, and it was summoned to dispose of those matters. The right hon. Gentleman opposite (Mr. Secretary Stanley) smiled, but he hoped the right hon. Gentleman would hear him before he attempted to turn the arguments he might use into ridicule. In proof of the existence of the principle for which he had been contending, he might refer to many speeches from the Throne. The King, in one of those Speeches, used this expression—he said, he summoned his Parliament that he might thereby "have the opportunity of receiving more certain information of the disposition and wishes of the people." It was clear, from language of this description, that the objects of assembling Parliament were to discover the wants of the country, and to legislate as to matters that were, to a considerable extent, foreseen. Some persons entertained an apprehension, that the adoption of Triennial Parliaments might lead to mischievous results; but, in his opinion, in order to dissipate such fears, it was not necessary to do more than refer to what had been the effects of them. Under the Triennial Act, there were nine Parliaments. Now, he would appeal to the whole of the legislation of the whole of that period, and confidently ask, in what respect that afforded the slightest ground of alarm? Be it recollected, too, that this was a time of great difficulty, and one in the course of which Parliament strengthened and confirmed the liberties that had been obtained at the Revolution. The present Bill was similar to that which he had recommended to the House on a former occasion. They were then exceedingly occupied with other business, and it did not appear to him that the measure had obtained the consideration which its importance demanded. He thought it right to give the question fair play. He would not disguise, that if the Bill went into Committee, it was his intention to express his own opinion on the subject, by moving, that the term of the future duration of Parliaments should be three years; but as the present Bill left the matter to that extent open, the noble Lord opposite, or any other Gentleman, would be at liberty, at that stage of the Bill, to propose any other term. He believed, that his hon. and gallant friend (Sir E. Codrington), who would second the present Motion, was an advocate for five years' Parliaments. In the Committee, then, they would come to a decision as to whether the term should be three, four, or five years. He believed the people of England would be grateful for any modification of the existing law; but he must say, that if five years were proposed, he should feel it his duty to vote against such a Motion. They might determine in favour of five years, but that would not settle the question [*"Hear," from Mr. Secretary Stanley*]. He thanked the right hon. Gentleman for that cheer; he perfectly understood its meaning. The right hon. Gentleman might make what use of the declaration he thought proper. He advisedly repeated the words — "That it would not settle the question." He knew it was objected to short Parliaments, that they would diminish the personal responsibility of the Representatives. His object was to fix a time that, in his opinion, would combine efficiency for the public service with responsibility. Some Gentlemen told him, that it was unnecessary to shorten the duration of Parliaments, since the House had been made more popular; the amendment of the representation, they would, perhaps, contend, had rendered the shortening of the duration of Parliament needless. Now, he begged the House to remember, that the leaders of Reform, among whom was Mr. Grey, uniformly said, that these two changes—the amendment of the representation, and the shortening of the duration of Parliaments—ought to be accomplished, to place the liberties of the country on a sure foundation. Mr. Grey, in 1793, on the presentation of the petition of the members of the Society of the Friends of the People, said, he thought that the shortening of the duration of Parliaments ought to be the second question. He said, "With respect to shortening the duration of Parliament, it did not appear to him that it would be advantageous, without a total alteration of the present system." In the year 1797, when moving for a Reform of Parliament, Mr. Grey said, "There was still another topic upon which he had not touched—namely, the duration of Parliament. If the reform of the representation was adopted, but not otherwise, it occurred to him, that the duration of Parliament should be limited to three years." Here was the language used by the Reformers of that time, and were they, when, in 1834, they proposed to shorten the Parliaments, to have this answer, "We think the question of Reform is satisfied, because we have improved the representation of the people?" Such a course involved this inconsistency. Before the Reform Bill was passed, the sense of the people was only partially expressed. Now that the Reform Bill had effected a great improvement in that respect—now that a real representation throughout the country of the sense of the people might be effectually obtained—it was rather extraordinary to contend against the shortening of the duration of Parliaments, on the ground that the means of ascertaining the opinions and feelings of the country existed. There was some difference in the arguments on which the proposal for shorter Parliaments was opposed; one class said, that the alteration would render the Parliament too popular; another class, that it would throw elections too much into the hands of the aristocracy. He hoped to combine the two influences, and he thought it was this tendency that constituted the chief recommendation of his Motion. If Parliaments were shortened, seats would become less the objects of contention by pecuniary means, and would more generally lead to local representation. The consequence would be, a considerable improvement in the social intercourse of the kingdom. Paley said, he thought "nothing tends so much to improve the social union of all classes as the frequency of elections. The changes of men consequent on frequent elections were productive also of great advantage to the councils of the nation." One of the advantages of elections occurring oftener would be, that when, as it sometimes happened, the best man was excluded, an earlier opportunity would be afforded for his return. The noble Lord opposite would not deny, that it occasionally did occur, that by the exclusion of the best man, the country was deprived of the services of an eminently useful individual. During the agitation of the Reform Bill a dissolution occurred, and, at the consequent elections, the only question asked of candidates was, "Will you vote for this Bill, or will you not?" If the candidate would not, that was generally sufficient to ensure his rejection. He admitted the circumstances of that time were very peculiar; but was not that an argument in favour of more frequent Parliaments? The Government of the day generally took care to dissolve the Parliament when some particular measure was before the country, which was converted into a test. There was another point he would press on the consideration of the House. Having improved the principle of representation, and got a Reformed Parliament, they might depend on it that they would experience greater changes at the end of seven years than they ever had before. Under the old nomination system, one-half of the House were almost certain of being again returned; but if the Parliament were suffered to exist for six or seven years, it would be found that there would be such great changes in the composition of the House, that very considerable inconveniences would be the result. If the Parliaments were shorter, the same men would, to a much greater extent, be returned. They would thus secure a majority who would more efficiently discharge the public business than others could do who entered the House for the first time. The hon. Gentleman concluded by submitting his Motion.

Sir *Edward Codrington* rose to second the Motion, not with a view to reduce the time of Parliaments to three years, but to five. He believed, that there were good grounds for the Septennial Bill at the time it was passed, but there was no necessity for continuing it now, any more than there had been for continuing the suspension of the *Habeas Corpus* Act, which had been suspended in times of extraordinary difficulty. Feeling, then, that the Septennial Act ought to be got rid of on some terms or other, he came forward to propose the terms that he thought would be most useful. There were a great many who preferred Triennial Parliaments—some were the advocates of Annual Parliaments; but he would propose five years, even were he of opinion that three years would be preferable; because, if they made the period five years in the first instance, they could easily descend; whereas, if they made it three years at once, and subsequently found that time to be too short, they never would be able, to increase the period. The hon. and gallant Admiral, in conclusion, seconded the Motion.

Colonel *Davies* was anxious to consult the feelings of certain parties out of that House, but he feared he must disappoint their expectations, He would give his opposition to the Motion of the hon. Gentleman, because he thought it premature, inexpedient, detrimental to the dispatch of the business of the country, and subversive of the independence of Parliament. He was at a loss to understand why it should have been introduced at this time. Within the last two years, they had effected changes amounting to almost a revolution, and far exceeding the hopes of the most sanguine reformers of the day. When the right hon. member for Lambeth endeavoured to prevail on the House to provide Representatives for the town of Birmingham, he never could have dreamt that the Reform was so near which very shortly afterwards was carried into effect. Having been returned for the first Reformed Parliament, scarcely had they taken their seats before the hon. member for Boston (Mr. Wilks) gave notice of a Motion to the effect of the Motion now before the House, but, in consequence of the pressure of the business he withdrew it. The right hon. member for Lambeth, however, immediately after brought it forward. He (Colonel Davies) considered it unnecessary. This House was now supposed to speak the feelings of the people, and everything that was here said was wafted with the speed of lightning to the remotest corners of the kingdom. The present Parliament was chosen under peculiar circumstances; great excitement pevailed; and if any man who came forward declared himself a supporter of the existing Administration, he was supposed to say everything that was necessary to secure the favour of the electors. Many who were returned to this House had given but one pledge—that of supporting the Government which had effected so much benefit. What was the consequence? Why this—that the present Government had a greater number of personal friends and adherents in Parliament than any Government ever possessed before, or probably ever would again. Notwithstanding all this, that the present Parliament was not easily managed by the Government had been sufficiently proved. There had been occasions on which even three brothers of Members of the Cabinet had voted against the Government. The hon. member for Lambeth had stated that the Triennial Act, so far from having diminished, had extended the time of the duration of Parliaments. What was the fact? In former times there was no limitation of the time of duration, but that which depended on the will of the Crown. Under the Septennial Act, Parliaments had existed for eight, ten, twelve, fifteen, and even seventeen years. The average duration under the Triennial Act he made to be only one year, seven months, and twenty-two days. The error in the statement of the hon. member for Lambeth was traceable to his having included in his calculation several months which from time to time elapsed between the dissolution to the summoning of another Parliament. It appeared to him that, inasmuch as a Parliament could not be said then to exist, the months ought not to come into the calculation at all. Was it not clear, then, that, under a Triennial Act, they would have Parliaments lasting only a year-and-a-half? Such, indeed, must be the result of fixing three years as the *maximum* of duration, and fixing no *minimum*. Surely those favourable to the principle of Triennial Parliaments ought to be content, it being indisputable that, to this moment, taking the average, we had had Triennial Parliaments for the last thirty-five years. Omit from this account the time between the dissolution and the meeting of the next Parliament, and they would get an average not exceeding three years and thirty-six days. He wished to increase the control of the constituency over the Member; but could it be supposed that any candidate who offered himself at the last election, calculated that he should retain his seat for seven years? As far as he was concerned, he should have been very glad to compromise for three years. The right hon. Member had alluded to the changes which might take place in the House at the expiration of seven years; but this was, perhaps, the strongest argument that could be used against the proposition of the hon. Member. One great objection to the Triennial Act would be, the delay it would occasion to the business of the House. Hon. Members coming into that House for the first time—for the frequency of election, it was said, would have the effect of sending in new Members in every Parliament—would be unacquainted with the forms of that House. Then there would be the election committees occupying so much time. Last year there were no less than thirty-one committees, occupying a great deal of the time of 403 Members, not including the petitioners. Then there was the loss of time in balloting for these committees. The infusion of new Members, under the repetition of new Parliaments, consequent upon a Triennial Bill, would neither be of credit to themselves, nor benefit to the country at large. He thought that the institution of Triennial Parliaments would go to attack the independence of Parliament; and that was the opinion of Mr. Burke. The right hon. member for Lambeth had maintained that the expenses of elections would be diminished by substituting Triennial for Septennial Parliaments; but Mr. Burke had held the opinion, that the frequency of elections, caused by Triennial Parliaments, would bring persons of moderate fortune too frequently in collision with persons of larger fortune. That eminent man had observed, too, that ambition was not a nice calculator—and was ready to take all the chances against him. But the value of Triennial Parliaments, as put in opposition to those of Septennial Parliaments, was proved not only by Mr. Burke, but by many other authorities, by those of individuals existing at the time—and, indeed, by the authority of Parliament itself. When the Septennial Act was first introduced, very stormy debates ensued upon it, and it was violently opposed. The "downright" Shippen, whose incorruptibility was so unquestionable, was in favour of Septennial Parliaments, and asked whether half the money granted to the King would have been voted, but for the frequent changes consequent upon them. The reasons for repealing the Triennial Act were fully given in the preamble to the Bill brought in for that purpose in the first year of the reign of George 1st. The words were—"And whereas it has been found by experience, that the said (the three-year) clause) hath proved very grievous and burthensome by occasioning much greater and more continued expenses in order to election of Members to serve in Parliament, and more violent and lasting heats and animosities among the subjects of this realm than were ever known before, the said clause was enacted," &c. Such were the evils avowedly consequent on Triennial Parliaments. But this was not the whole of the evil. The consequences to the country, occasioned by the frequency of elections, were even worse than the consequences to the candidates. Not thousands, but millions, were wasted in various modes of expenditure. The country would be kept for weeks and months in a state of feverish excitement, business would be suspended, and men's minds roused to angry and fierce contention. If (as there was every likelihood there would be under a Triennial Act) an election occurred once in every two years, to what a state of distraction and demoralization would not the country be reduced? The positions of society would be totally changed, and the seats now filled in that House by country gentlemen would be occupied by pettifogging attornies. Where were the Petitions which should express the sense of the country upon this measure? Until to-night, though he looked through the Report of the Committee upon public Petitions, he was not aware that there were any. For these reasons, therefore, he would oppose the Motion of the hon. member for Lambeth. If, indeed, the present system were found deficient—if Members should be forgetful of the pledges which they made to their constituents—and that the public, becoming sensible of the evil, called generally for such a measure as that before the House, he, as one of the representatives of the people, and aware of the inutility of opposing a nation's wish, would feel himself bound to accede to it.

Lord *Dalmeny* was of opinion, that the very passing of the Reform Bill precluded the necessity of the proposed measure, and furnished sufficient reason why it should be negatived by the House. Whence, he should wish to know, had arisen the distrust and suspicion which the proposed measure involved, and upon which only it could be founded? If the Reform Bill failed of producing the effect intended—if the infusion of a more popular principle into the legislative branch of the Constitution failed to give satisfaction, was the remedy to be sought by the introduction of a still greater proportion of that principle? He hoped, in any discussion which might ensue upon the proposition before the House, that hon. Members would not rake up the speeches which his Majesty's present Ministers had uttered within the last twenty years—[An *Hon. Member:* "let us have no resurrection-men."]—speeches which had been spoken under circumstances quite different from those in which the country was at present placed with regard to this measure by the Reform Bill. The first Triennial Parliament was a consequence of the despotism which had been attempted at that period; and though then, as an instrument used against tyranny, it might have been praiseworthy and valuable, the necessity for it was now done away by the altered circumstances of the times. The country was not now placed in such a position, and why, then, should a measure adapted only to that position be called for? The duties of the House had greatly increased since that period, and required a consequently increased attention. Its business became more complicated, and demanded more experience for its performance than the new persons sent in by more frequent elections could bring to it. The evils of frequent elections were in themselves very great, and the effect they would produce upon the Members of that House would be most injurious. The opinions of those who sat in that House should not be the result of dictation, nor should Members come into a deliberative assembly as mere delegates. Such men were not representatives of their constituents. They stood to them in the relation of the slave to his master, and not in that of the free agent to his employer. The constituency had no right to stand in the attitude of menace towards their representatives, and scare away their conscientious scruples. The duty of the representative did not need that close proximity to his constituents, which was required for it by the proposition of Triennial Parliaments. He felt convinced there was too much honour and integrity in that reformed House of Commons to require such a check upon its conduct. The majority of that House might differ from the people, and differ wisely from them; and the people, when their passions had subsided, would acknowledge the wisdom. On one great occasion, the granting of Catholic Emancipation, this had been the case. The House set itself up against popular prejudice and bigotry in the final adjustment of that important measure. He was surprised to observe that the Irish Members had not joined in that cheer. The House should recollect that there was no short cut by which gentlemen could arrive at the knowledge of a statesman's duties. Did they imagine that the dexterity required by a contested election would fit the successful candidate for office? To practise a mere handicraft trade required an apprenticeship of seven years, and was it to be supposed that a knowledge of state business could be acquired in almost as many hours? If the triennial system were adopted, there would be no end to the changes it would occasion. On every, the slightest ground, or supposed ground of offence, and whilst the minds of the electors were warm upon the subject, their representatives would be dismissed, ere time was permitted for the return of kindlier and more dispassionate feelings. The right hon. Gentleman (the member for Lambeth) who brought forward this proposition, said, that Parliaments had never been so good as when they were triennial. Now, he should like to know what good these Triennial Parliaments had effected? What had they done for the people? Was not their whole time spent in legislating against their own corruption. It had been said, that if the Parliamentary period were abridged, the influence of public opinion would be thereby extended; but hon. Gentlemen should learn to distinguish between public opinion and clamour; the latter was loud and impetuous, the former slow and silent, and the two were in contrast as thoughtful intelligence and loquacious ignorance. The Reformed House of Commons, and the important business it had to perform, were reasons against the measure. Members would come too warm and excited from the vehemence of a contested election, to deliberate as they ought upon such weighty matters as the Poor Laws and the Reform of the Church. Indeed, the final consequence of the measure would be, to ultimately destroy the balance of the Constitution. It would also prevent the development of talent in that House. Before they proceeded with such a measure, would it not be prudent to let the Reform Bill have a fair trial. For himself, he would conclude by protesting against any attempt to make an organic change in the Constitution on mere speculations of probability.

Mr. *Ewart* said, that the arguments of the noble Lord went to reject history altogether, or to show that it was nothing better than "an old Almanack." The noble Lord said, "be content with what has been done—let the experiment which had been made work out all the changes." Now, the Reform Act had brought the people and their representatives in close contact with each other, and surely it was necessary that they should be brought together more frequently than once in seven years. That was also the argument of Mr. Pitt in the early part of his reforming career. He (Mr. Ewart) was surprised to hear the hon. and gallant Colonel appeal to the opinions of the incorruptible Shippen, because he might as well have appealed to old Montaigne. At that time the House was under the authority either of the Treasury or of the aristocracy. Mr. Onslow had declared his opinion in favour of shortening Parliaments, and when the great Lord Somers was dying, he had declared that the Triennial Act was a measure of security and freedom to the people. That noble Lord said so, because he knew that the limitation of time gave to the representatives a certain security from the mere nomination, which endangered their independence. He thought that the measure of the right hon. member for Lambeth was one which should be supported by the friends of substantial reform, especially at the present moment—a time when there was no political agitation in the country, and no desire for novelty. He wished to anticipate reform, and, in times of peace, they could not do better than to guard against contingent evils. During the period of Septennial Parliaments, the greatest corruption had prevailed, which should operate to make the House favourable to Triennial Parliaments. He considered it was the duty of the Legislature to return to Triennial Parliaments; and he could not wish better to his country than that this measure should be carried, which would secure to the people the advantages of frequently calling their representatives to account.

Mr. *Buckingham:* Sir, I can venture to promise the House that I shall be very short, and confine myself strictly to the arguments of the case. The question now before the House, resolves itself into two branches, the one—the historical, the other—the practical. It is to the latter, that I shall principally address myself, the former having been already so amply treated by the right hon. Gentleman who introduced the Motion. The strongest objections to the practical utility of the measure proposed, have been carefully collected and skilfully put, by the hon. and gallant member for Worcester, (Colonel Davies), but they are not, I think, very difficult to answer. The gallant Officer began, by saying, that the Motion was premature—injudicious—and, if carried into effect, would tend to subvert the independence of Parliament. It is matter of history, that the friends of liberty in England, have been pressing for this measure for the last half century at least; so that it is not new; and it is difficult to understand how, that which was urged with so much force, though with so little effect, fifty years ago, can be considered premature now. It may, in the estimation of some, be injudicious; that is purely matter of opinion. But the assertion, that if carried, it would tend to subvert the independence of Parliament, is certainly one of the most remarkable that has been made in this House for some time past. The independence of Parliament! Independent of what? That the House of Commons should be independent of the Sovereign, is undoubtedly a most constitutional doctrine; that it should be independent of the House of Peers is equally constitutional. But, to say, that it should be independent of the people is a doctrine calculated to subvert our notions of representative government. If the House of Commons were once to render itself independent of the people, there would be no need of fixing any limits whatever to the duration of Parliaments. They might continue till the majority decreed a dissolution, which would never take place, and representatives would then be able to do without constituents at all, as was the case under the old nominee system, which the Reform Bill was introduced to destroy. It is not desirable, therefore, that Parliament should be independent of the people; or, if it be, the sooner that independence is subverted by frequent elections the better. The gallant Member, in enumerating the evils that would spring from too frequent elections, said, he thought three and even five years too short a period; and added, that such elections would introduce into the House a number of new Members, who, for some time, would have their efficiency greatly impaired by not being acquainted with the forms of the House, and by being new to the business of legislation. As to the first, no doubt this would sometimes happen; as had indeed taken place only a few evenings ago, when, on the discussion of the first clause in the Poor-law Amendment Bill, a very small minority, of whom I am not ashamed to remember that I was one, wished to have further time given to the country for considering the nature of the measure, and proposed to divide the House for the purpose of securing an adjournment of the debate, but the exact form in which the Motion should be put, for the Chairman of the Committee (Mr. Bernal), to report progress and sit again, was not known to any of the small group, who were all new Members, nor did the older ones appear at all disposed to assist them. But this is a species of knowledge which might be acquired in a few days, if some hon. Gentleman, learned in precedents, and thoroughly acquainted with the forms of the House, would compile a short manual, containing all the requisite information on those heads, than which no more acceptable service could be rendered to the Members generally. It has been said, indeed, that the additions of new Members to the House had obstructed the progress of public business, from their want of acquaintance with the forms of the House, and the difficulty of managing them by the leader. But, the reproach of obstructing the progress of the public business in the last Session of Parliament, is not so applicable to the new Members as to the old ones; for in an analysis that was made of the number of speeches made by the different Members, and the aggregate number of hours occupied in the delivery, as published in that clever paper, the *Spectator*, it was shown, that the old Members were the greatest offenders in these particulars throughout the whole Session, while in the early part of it, the unpopular measure of the Irish Coercion Bill, was itself a great cause of much of the difficulty and delay complained of. As to the second objection, that frequent elections would introduce into Parliament men new to the business of legislation, it should be remembered, that gentlemen are not chosen to be placed in the House as at a college, there to study for the first time, the science of politics and government. On the contrary, it is almost invariably the case, that men are chosen, because they have previously given some attention to the study of public affairs, and are able to give a satisfactory account of their principles, and the reasons on which they are grounded, to the constituency whose suffrages place them in Parliament; so that they have not to learn, for the first time, on taking their seats, the facts and arguments bearing on the questions on which they will have to decide; for having investigated them, and expounded their views upon them before they came into the House, they would be equally able to take a part in the discussion afterwards, whenever called upon so to do. The hon. Gentleman, however, asked why sufficient time had not been given to allow the Reform Bill a fair trial, and contended, that thus far, at least, it had worked well; by which, if it means anything, it must mean that the present House of Commons fairly represents the people of England—a position to which I should venture to take exception. I am aware that it would be a much more agreeable task for me to flatter than to reprove. I do not desire to do either, but merely to speak the truth; and thus acting, I must say, if my memory does not wholly deceive me, I think I could call to mind many instances in which the votes of hon. Members, after they had entered the House, did not strictly conform to the pledges which they gave before they were elected. I do not pretend to say, in which case they were right or in which they were wrong; but I must be allowed to doubt, whether they could truly represent their constituents in both cases; since there is pretty strong evidence of the opinion of the people being nearly the same as it was two years ago; though the opinions of many of their representatives, judging at least from their votes, have undergone great and material change. The great expense, the drudgery of frequent canvassing, and the excitement and demoralization of the country by frequent elections, have been also urged by the hon. and gallant Member, as reasons against shortening the duration of Parliament. But it is surely no necessary part of an election that there should be either expense, or drudgery, or demoralization. In this respect, the new constituencies have set an example which may well shame the old ones into imitation. It is not very agreeable to speak of one's-self, but as I am better acquainted with the facts attending my own election than those of any other, I may mention, for the honour of the borough which I have the satisfaction to represent, that though it contains nearly 100,000 inhabitants, I never canvassed a single individual, nor solicited a single person for his vote; nor did the election cost me a single shilling of expense. I publicly avowed, indeed, my disapprobation of the practice of a Member canvassing for votes in his own person. I always held, that he should be solicited by the electors, and chosen for his qualifications and fitness only; and that they should bear the charge; since it was their business, and not his own, that he was called upon to perform. It is true, that owing to the present badly arranged system of elections, much excitement does prevail during the short period that it lasts; but this is no necessary part of the affair. My conviction is, however, that it is the very unfrequency of their occurrence that chiefly causes the excitement, and that if they were of more common occurrence, they would be less marked and less observed. But it would be perfectly easy so to arrange the mode of conducting an election of a Member of Parliament as to cause it to create no more excitement or confusion than the election of an East-India or Bank Director. For my own part, indeed, I know not why there should be any fixed period whatever for the duration of a Member's services, or for his responsibility to his constituents. When men choose their physician or solicitor, or agent, to whom they intrust their health, their fortunes, and their business, they do not engage them for seven years or five, for three years, or even one, but continue them in office so long as they discharge their duties faithfully; and when they cease to do this, they are justly removed to give place to others. I believe this would be the best footing on which to place a representative. I can see no safe halting-place myself, between complete irresponsibility, by holding the seat as the Peers do, for life, being accountable, therefore, to no one—and perfect responsibility, by being liable, at any hour, to be called upon by those whose votes have placed us in Parliament to resign our trust whenever we fail to perform our duty; I may add, however, that I neither regard a Member to be a mere delegate, having no will of his own, nor a perfectly free agent under no obligation to consult his constituents at all. I feel, that his position should be between these two extremes. He is bound, on all occasions, to state frankly to them his own general views; and if these are satisfactory, he cannot be unfaithful by following them out. If, however, on questions of great import, his views run counter to theirs, they are bound, in justice to themselves, to correct their error by recalling their representative, and sending some one to fill his place more nearly resembling themselves. And besides its being their duty to recall their Member, I think it is his duty not to wait for such a summons, but to make a voluntary surrender of his trust; and, for my own part, I cannot understand how any man of a nice sense of honour would condescend to sit for any place a moment longer than while he felt that he was the true representative of the wishes of its inhabitants, not in name only, but in reality and truth. That, at least, is the footing on which I have the proud satisfaction of feeling that I stand with my own constituents, and it is because of this constant impression of my accountability to them for every vote I give, that I feel no period to be too short, and no meetings of them too frequent; so that, as far as is compatible with a reasonable confidence on the one hand, and a reasonable trial on the other, I should be as willing to vote for an annual as for a triennial Parliament; on the principle that he who faithfully performs his duty need never be ashamed or afraid to meet his constituents and friends. The noble Lord opposite (Lord Dalmeny), had spoken with great eloquence on the subject; but while I bear my willing testimony to the talent displayed in his speech, I am bound to state, that his arguments made but a very slight impression on my mind. The chief argument of the noble Lord against shortening the duration of Parliaments was this, that it would subject the representatives of the people too frequently to the influence of the whim and caprice of the multitude, and make them too often the mere instruments of popular clamour. This argument, however, appears to me much more plausible than just. If the people are really competent to form a judgment on political affairs, I cannot perceive why they may not be as safely trusted to do this frequently as to do it only on rare occasions. The oftener their judgments are exercised, the more they will be likely to be sound. And there seems no reason to suppose that electors would be carried away by clamour because they had to give their votes once in three years, any more than that Members should lose their reason because they are called upon to vote almost every night. But it would be well if hon. Gentlemen, using this danger of popular clamour as an argument, would define clearly what they meant by the phrase. To me it appears, that popular clamour and public opinion are convertible terms; and each is used, not according to any rule for testing the one or the other, but according to the wishes of the party using it. If, for instance, the voice of the multitude is raised strongly in favour of any measure of which the speaker approves, and this voice is expressed with ever so much force or strength, as in the case of the Reform Bill, it is then called "enlightened public opinion," and is triumphantly referred to as proof of the absolute necessity of deferring to that opinion and adopting the measure proposed. If, on the contrary, the voice of the multitude is raised strongly against any measure of which the Speaker approves, such, for instance, as the Poor law Amendment Bill, then, as if by the wand of the magician, this "enlightened public opinion" is instantly transformed into "vulgar and unmeaning clamour," though it is the same public who speaks—the same meetings that assemble—the same judgments that resolve—the same Press that gives publicity, in both cases. When the popular gale blows in favour of the orator's views, it is then *Vox populi, vox Dei*, and is bowed down to, in a homage both ardent and sincere; but when the gale is adverse, the scene becomes entirely changed, and all the veneration before expressed for public intelligence and public virtue, is turned to hatred, scorn, and contempt. Sir, I would seek for no other explanation of our duties than that which is conveyed in the very term by which we are designated. We are sent here as the Representatives of the people. How can we possibly represent them, without respecting and giving expression to their will? It is not practicable, I admit, for a Member to consult his constituents on every question that is discussed during a single Session; and many cases may arise, in which, during its progress, he may feel justified in acting according to the best of his own judgment, even should he feel that to be in opposition to the views of many who form his constituency; such, for instance, as cases where new evidence as to facts, or new views in argument, have been presented to his mind since they last met, or where his own opinions may have undergone a change through more mature reflection. But such cases will form the exceptions rather than the rule; and it is because a Member is chosen for his well-known sentiments on the great principles of public policy, that he may be safely trusted to act as he thinks proper for a season. But this, of course, must imply some period of accountability, so as to give his constituents an opportunity of correcting their choice if they see fit. And surely it cannot be denied, that to make this accountability of any effect, it ought to be frequent; if so, then seven years must be deemed much too long; five appears to me only somewhat less objectionable; three, I think, would be quite long enough; and, for my own part, I should as readily submit to one as to any longer number; my feelings being this: that if, on any occasion, I may have voted contrary to the generally prevalent opinion of my friends, I must have done so on grounds which justified me to my own mind in dissenting from their views; and that the same arguments which convinced me would be likely to convince them also; or, if not, I should feel far more pleasure in resigning my trust, because the conscientious discharge of my duty led to its forfeiture, than I should consider myself honoured by being continued in my seat from the mere duration of the Parliament, after I had ceased truly to represent the wishes of the majority of those whose votes originally placed me there. I shall, therefore, Sir, with all sincerity, give my most cordial support to the Motion of the right hon. member for Lambeth.

Sir *Daniel Sandford* said, that the present discussion, as far as it had yet gone, had convinced him that if, as the noble Lord (Dalmeny) had said, new members were ill suited for the task of legislation, old members were but badly fitted for the task of argument, for he had not heard any reason advanced to justify the apprehension of any danger from the success of the motion of the right hon. Member for Lambeth. But was it true, that new members could not possess a capacity for the business of legislation? Had not, he would ask, measures involving the most important consequences to the country been brought forward, discussed, and passed in the first session of the Reformed Parliament? Was not the Coercion Bill—the Slavery Abolition Bill—passed by members fresh from the contact of their constituents?

Mr. Secretary *Stanley* here observed, that it was just twelve months, yesterday, since he first moved the resolution on which the Slavery Abolition Bill was founded, and their consideration was postponed until the 30th of May, last year.

Sir *Daniel Sandford* said, that did not alter his opinion, and he was convinced, that no one would deny, that the new Parliament was perfectly ready to discuss the important measures which were last year submitted to their consideration. The hon. and gallant member (Colonel Davies) who had spoken against the adoption of the Motion now under debate, had most satisfactorily confuted, in the latter part of his speech, all the arguments which he used in the beginning; for he said, that the proposition of the right hon. Member for Lambeth was unnecessary, because the average duration of Parliaments did not exceed three years, so that, in point of fact, triennial Parliaments existed already. That was exactly what the right hon. Member for Lambeth desired—the establishment of triennial Parliaments was the only object of his motion; but, said the hon. and gallant officer, if that House passed a bill, limiting the duration of Parliament to three years, biennial Parliaments would surely be the result. Who asked for triennial Parliaments? Not the right hon. member who made the motion; his proposition was unrestricted; the right hon. member asked them merely to agree to shorten the duration of Parliaments, and he intended to vote for the motion, though opposed to triennial Parliaments. However new the term might be to the people of this country, he was an advocate of quadrennial Parliaments, and he believed, that, if the period of the existence of each Parliament was limited to four years, the average duration would be found to be what it was at present, three years; and he saw no reason why that which had worked well in practice, should not be recognised in principle. The hon. and gallant member described the people as being apathetic on the subject of triennial Parliaments, and condemned those who were in favour of the proposition before the House, for attempting to excite hopes which it was out of their power to satisfy. Now he (Sir Daniel Sandford), on the contrary, believed that there was no subject more prominent in men's minds, none which interested larger portions of society, or with respect to which the people were more anxious to ascertain the opinions of the individuals who represented them, than this very question of triennial Parliaments. He would now turn, with that pleasure which ingenuity and eloquence never failed to inspire, to the arguments which the noble Lord opposite (Lord Dalmeny) had used in opposition to the present motion. He understood the noble Lord to have said, there might be some excuse for the Parliament passing the Triennial Act in the time of William 3rd, inasmuch as a mighty revolution had just been effected, corruption had been put down, tyranny banished from the country, and a great change made in the relations existing between the aristocracy and the people. Now, was not the country in a situation precisely similar at the present moment? [Lord *Dalmeny:* No; the country had then escaped from a regal despotism.] It appeared, then, that what the noble Lord had said was, that, at the time of the passing of the Triennial Act, the people had just emerged from a recent despotism. Was not that exactly the situation in which the people stood at present? [Lord *Dalmeny:* I said regal, not recent, despotism.] He would not quarrel with the noble Lord about a word.

What mattered it to him what the nature of the despotism was?—whether it was the despotism of a king, or the despotism of an oligarchy? But he would ask the noble Lord, and those Members who occupied seats on the ministerial side of the House, whether they had not supported the beneficial measure for reform, introduced by the present ministry, because they thought it would have the effect of freeing the country from those trammels by which its energies had been bound down. The country, then, was in precisely the same situation as that in which it stood when the Triennial Bill received the sanction of Parliament; and he saw no reason why that Bill, which followed as a corollary to the emancipation of the people from a monarchical despotism, should not be passed as a corollary to the great measure of Reform; which, to quote the words of the noble Paymaster of the Forces, was in itself a great revolution. The noble Lord had dwelt much on the evils likely to result from Members of Parliament yielding too ready an obedience to the wishes of the people; and, in listening to the noble Lord, one might almost be led to believe, that no expression could convey a more erroneous idea than the common proverb, "*Vox populi, vox Dei,*" and that it ought properly to be changed into "*Vox populi, vox diaboli.*" The noble Lord said, that the people were often mistaken; and, as a proof of the injustice which would result from a compliance with the opinions of the people on all occasions, referred to the state of public feeling with respect to the admirable measure of Catholic emancipation, introduced to Parliament by the late Government. The noble Lord could not have pointed to an instance more unfortunate for his argument. When the right hon. member for Tamworth came forward in the House of Commons, with a heroism and a magnanimity, which could never be sufficiently praised, to propose that great measure, and thereby gratify the wishes of a whole nation, what was his principal argument? If he (Sir Daniel Sandford) recollected aright, the right hon. Gentleman observed, that he could no longer resist the wishes of the people, as spoken by their representatives; and, after going through a list of the votes of the members of Parliament, he said, that he found a majority of the county members, and of those who represented large and commanding constituencies, to be in favour of Catholic emancipation. He therefore thought, that the noble Lord was most unhappy in his reference to the circumstances attending the passing of that measure; for, instead of showing that Members of Parliament were likely to do wrong, if they acted in conformity with the wishes of their constituents, his reference proved directly the reverse. But the noble Lord said, that Members of Parliament ought not to be mere delegates; and he agreed with him in thinking, that a representative should enter that House an independent man—that he should not, before taking his seat, be bound down by pledges to any fixed line of conduct, which he might afterwards think incompatible with the interests of the nation at large. Still he thought, that triennial Parliaments would have the effect of rendering Members more independent. The noble Lord must know what the feelings of the people were with respect to the responsibility of their representatives. He must know, with what scrutinising jealousy they investigated the motives, character, and abilities of every man who came forward as a candidate for their suffrages. Much of that confidence which the people of this country used to repose in the political character of their representatives was gone, he trusted not for ever; and many Members had taken their seats in that House, whose usefulness was entirely annihilated, because they had been returned to Parliament, bound down and shackled by pledges. What means could they adopt better calculated to restore the confidence which ought to exist between the represented and their representatives, than by declaring that, though they possessed the power of prolonging their Parliamentary existence for a long period, they were ready to forego the privilege, and return their trust into the hands of the people. Every gentleman who voted in favour of the present Motion, would go back with the strongest possible argument in his favour to his constituents, who would not again be so ready to suspect him, nor shrink from trusting him with power for the shorter period of three years. No restriction would be placed on his votes or his acts, and he would re-enter the House with that august and independent air, which, as Burke said, should belong to a free representative of the people. For these reasons he supported the proposition of the right hon. member for Lambeth, to the extent to which it went. He supported it, because, recently as he had taken his seat on the benches of that House, he felt deeply for the character of the Legislature of which he was a member, and likewise for the character of the right hon. Gentlemen sitting on the Ministerial bench opposite. It was to them that he owed his seat in that House, not in consequence of the exercise of any Ministerial influence, but because of the passing of the Reform Bill, which they had introduced. The Ministers had effected much good for the country, and owing them a debt of gratitude for benefits present and prospective, he was anxious that their character should stand high with the people. He, therefore, felt bound urgently to advise them not to reject the present Motion; for if they did, he feared they would turn from them the affections of the people, who were, to a certain degree, grateful to them for the measure of Reform.

Mr. *James* said, that many hon. Members prefaced long speeches, with a declaration that they were about to make short ones, but when he said, that he would not occupy the attention of the House for more than a few moments, he certainly intended to be as good as his word. He was in favour of shortening the duration of Parliaments. Some hon. Members would have them for five years, others for four, and some for three. He had not heard any one fix upon six years. Now he would prefer six. He would prefer six years to seven, five years to six, four years to five, and three years to four. He would not go so far as to say, he would prefer two years to three, but, though within the numbers he had stated, he would prefer short Parliaments to long, yet he would not adopt any of these modes of shortening Parliaments. He would have—and if the right. hon. member should obtain leave to bring in his Bill, and that it should go into Committee—he gave notice, that, when in Committee, he would move a clause, to the effect, that one-third of the Members of that House should go out annually, the decision as to the one-third who should go out to be by ballot. This would be a most effectual improvement, and would save the trouble and turmoil of triennial elections, and would allow the public business to go on without interruption, and would have many other advantages, which he would not then take up the time of the House in stating.

Lord *Althorp* said, that his noble friend behind him (Lord Dalmeny) had expressed a hope, that hon. Gentlemen would discuss this question without those frequent references to what had passed lately, so much in fashion, which might almost entitle them to the appellation of Parliamentary resurrection men. Now, he did not mean, for one moment, to deny, that he had, at different times, voted for the repeal of the Septennial Act. He did not remember, that he had spoken on the subject; but he had certainly so voted. He had voted thus during the continuance of an unreformed Parliament; and he would state distinctly the grounds on which he did so. He never then entertained the least hope of carrying the great measure of Parliamentary Reform; and knowing that so large a portion of the then Members of that House were sent there on the nomination of individuals, he thought it desirable that the power of the people over those whom they did actually elect, should be increased to the greatest possible extent. He did not agree with the hon. Gentleman who spoke just now, that the effect of this measure, if carried, would be to diminish the dependence of members on their constituents; on the contrary he thought it would greatly increase their dependence. He was not going to argue it was contrary to all the principles he professed, to do so—that Members of Parliament should be independent of their constituents. They ought to be dependent; but, at the same time, he thought they should not be dependent on every sudden and unconsidered mutation of opinion; but on opinions fairly formed after due consideration and deliberation. It appeared to him, that, under the present duration of Parliament, there was no Member in that House who did not, on every occasion that he addressed them, feel that he was responsible to his constituents, and that his vote on every question was materially influenced by their wishes. It appeared to him, that this was a question of degree. He should not argue it as an historical question. He was generally more inclined to argue questions in relation to their practical bearings and utility at the time they were brought forward, than implicitly to follow historical examples. It was not sufficient to prove that at any former period of our history, Triennial Parliaments existed either rightly or wrongly; the question was, would it now be advantageous to resort to them? He was of opinion, on the whole, judging from the feeling and conduct of Parliament, that at the present moment the influence of the constituency in that House was as great as was desirable for carrying on the Government of the country. He knew very well, that Gentlemen who were in the habit of voting in a minority in that House never thought that to be the case. It was a natural inference. Gentlemen who found the decision of the House directly against their opinions, were no doubt apt to think, that the House decided against the opinion of the people at large. It was possible, that, on some individual questions, the House might decide against the opinions of the people; but the question was, whether, taking all the circumstances of those questions into consideration, the decision of the House was not such as should command the favourable opinion of the public, and such as was likely ultimately to obtain it? He was aware, that such a mode of argument might possibly be unpopular; but he did not believe, that the people of England generally wished the Members of that House to act as their delegates; but that they placed considerable reliance on the opinions of those whom they had selected as most worthy of their confidence, and desired them to act honestly on their own judgment. It certainly was the wish of the people of England to select those persons with whose opinions they agreed; but if they coincided with the general principles of the candidate, he believed they were perfectly ready to trust to his discretion in matters of detail. It did not then appear to him, that there was anything peculiar to the present time which made it desirable to discuss this question. The hon. member for Paisley stated, in answer to an observation of his noble friend's (Lord Dalmeny), viz.—" that the Septennial Bill was passed immediately after our Emancipation from Regal Despotism" —that we had now but just been emancipated from Oligarchical Despotism. He certainly might fairly be supposed to estimate the benefits of the Reform Bill as highly as any one, but he would not go so far as to say that we had emerged from a state of Despotism. Though we had emerged from a state of oligarchical influence, greatly mischievous to the country, yet he could not describe it as despotism, nor compare it to what occurred during the times of Charles 2nd, and James 2nd. The hon. and learned Gentleman (Sir D. Sandford) had proposed to come back to what had, by practical experience, been shown to be the actual and usual duration of Parliaments, and to make the legal duration correspond with the actual average. The House must surely be aware of the fallacy of that argument, for if the legal duration of Parliaments were three years, the actual duration must necessarily be much less. [Sir *D. Sandford*: I proposed that the legal duration should be four years.] Granting that it were made four, it did not by any means follow, because the average duration of Septennial Parliaments was three years, that therefore the average duration of Quadrennial Parliaments would be the same. He would not disguise from the House that the effect of the Septennial Bill had been to increase the influence of the Crown. One reason why the duration of Parliaments had been shorter than the law permitted, had been, that the Governments had taken advantage, as had been truly stated, of the period when it was most convenient to dissolve the House of Commons with the greatest prospect of advantage to themselves. The real question before the House was, whether, in the present state of the country, the popular voice had not sufficient influence in that House, or whether the influence of the Crown there was too great? His opinion, from everything that he had seen, was, that neither of these contingencies was likely to occur. The gallant Colonel stated, in rather exaggerated terms, that the frequency of elections would lead to great interruptions in the business of the House. To a certain extent that would undoubtedly be the case. At the end of the last Session of Parliament, although it had not been denied that there had been great interruption in the proceedings of the House, yet much business had been done; and if in the present Session, the various propositions which had been brought forward should be carried into effect, it would be impossible to complain that little or no business had been accomplished. He allowed, that, in the last Session, there had been a greater interruption of public business than there ought to have been; but it was consonant to his experience that such was generally the case in the first Session of every Parliament. Gentlemen came into the House unacquainted with the forms of Parliament, and, in their haste diligently to perform their new functions, gave notice of a great multitude of motions, which were, perhaps, not necessary for the public service. There had been less delay from that cause in the present Session of Parliament. His argument was this, that although, when the powers of the Crown were as great as they were before the passing of the Reform Bill, and the people did not, in fact, elect their Representatives, it might be desirable to give additional power to the people; yet, now that the people did elect their Representatives, the power which the people possessed was quite sufficient under the Septennial Bill. Those hon. Members who thought that the opinion of the people on every question considered in that House ought to be immediately resorted to, ought, if they supported any change at all, to support Annual Parliaments; for the question of whether the Parliament, instead of continuing seven years should continue only five, or four, or three years, was merely a question of degree; and, in his opinion, those who thought with him, that the Members of that House ought to act according to their deliberate judgment, and not from any sudden or immediate impulse out of doors, had heard nothing to prove that seven years was too long a period for the duration of Parliament. On these grounds, he should object to the proposition of the hon. member for Lambeth.

Mr. *O'Connell* said, that the entire argument of the noble Lord, (the Chancellor of the Exchequer) and of the noble Lord (Lord Dalmeny) who sat behind him, depended on the servility and dependence which would be created by a Triennial Bill. But the question was, did they come there to do the business of the people or their own? and if they came there to do the business of the people, they ought to consult the wishes of the people. They talked a good deal of the wisdom of the people, and surely they must be wise who had selected such a set of philosophic representatives; yet, with all this, the opinion of the people was now to be treated with contempt. For what object had they constituents selected, as was said, from the soundest part of the nation, if their wishes were not to be consulted, and if they could not exercise that salutary control over their representatives which the Constitution intended? There was, however, no very great personal advantage in voting in minorities on questions affecting the interests of their constituents, while the advantages of being found in Ministerial majorities showed whose business many hon. Members had come there to attend to. Were there no peerages to be given, no promotions for Admirals and Generals, no Captains to get ships, and Colonels to get regiments, no lawyers to get places, no colonial patronage? They had heard from the right hon. Gentleman (Mr. Stanley), that 105 places had been filled up by Englishmen in Canada. Of course, these were all selected by chance; but possibly, if the history of many of those appointments were known, it would be found that some of the parties owed their happy lot to the chance of some of their friends being found in the Government majorities. There was then the patronage of India placed under the direct control of the Government. In short, the present Government had more patronage than had ever fallen to the share of any Government before. Was not this, then, an increase of the influence of the Crown? and should not the people, under these circumstances, have a more direct control over their representatives? The Representatives of the people in that House held their situations as a trust, and the danger was, that if held too long, it might be considered, like other trusts, as their own property. Whoever heard of a man appointing his attorney for seven years without power of revocation? Did hon. Members do this in their private affairs? Did they appoint their stewards or their agents for a limited time, without control over them or power to revoke the appointment? He thought seven years was too long to hold so important a trust. His only objection to Triennial Parliaments was, that they were too long. However, he was disposed to take that term, as there was a precedent for it in good times. Another objection to Septennial Parliaments was, that it excluded young men who were just coming of age at one election, from all share in the representation till the next election. On the principle, that short accounts made long friends, he would support the Motion.

Mr. *O'Reilly* dissented from the view taken of the question by the hon. and learned member for Dublin. If the principle on which that hon. and learned Gentleman was prepared to act were carried out, they ought to have Annual Parliaments. But what would be the effect of such frequent elections—even of triennial elections? They would be, that the majority of seats in that House would fall into the hands of men of great wealth, who did not regard the expenditure of money, and they had seen, even under the Reform Act, that large sums were expended; or they would fall to men of no property, who would become Representatives of the people by pandering to their passions. No doubt, those who wished to act merely as the delegates of the people, would vote for the shortest duration of Parliaments; but he agreed with the noble Lord, that the people, as now represented, had a full and fair share of influence in that House. He could not but express his surprise to hear the hon. and learned member for Dublin, as an Irishman and a Catholic, appealing to times as "good times," which had been disgraced by the enactment of the severest penalties against a large portion of his Majesty's subjects. Feeling that the influence of the people in that House was such as to give them a full control over their Representatives, he would oppose the Motion.

Mr. *William Roche* spoke as follows:—As all the speeches on this occasion have been so satisfactorily short, I propose following that commendable example by not extending my remarks beyond a very few observations—Sir, I always considered, that the Reform Act would be incomplete and unproductive of its promised and expected advantages, until or unless conjoined with Vote by Ballot, and the measure now before the House. I am not an advocate for extremes at either side—I deem seven years' duration or possible duration of Parliaments too long, and I equally disapprove of annual Parliaments as too short; but, I think a wise and judicious medium may be adopted, which it is the object of the present Motion to arrive at. If a representative conduct himself honorably and usefully, he can fearlessly present himself again to his constituents; but, if on the other hand, he has acted not to the satisfaction of those who appointed him, but whom he disappointed, I think three years of possessing the wishes and perhaps the interests of those who returned him, of quite sufficient endurance. In every other relation of life we practise and experience the advantage of quick accountability and surely in proportion to the magnitude of the interests involved, such protection becomes the more necessary and indispensable. As regards future candidates, too, I think more frequent renewals of Parliament would tend to diminish a good deal of the existing bitterness of contests, as the disappointed individual would look forward to a speady opportunity of proffering his pretensions again—I also think, Sir, that, as the two other branches of the Legislature are for life and hereditary it becomes the more necessary to place the popular branch under the stern yet reasonable and useful control of the people: with these impressions, Sir, I shall cordially vote for the Motion.

Mr. *Sheil* said, that the debate on this question last Session did not occupy more than three hours, and he was not disposed to prolong this discussion by any lengthened remarks. The noble Lord had with his usual candour admitted, that such a Motion as the present would have been necessary but for the change made in the constituency of that House. Now the question was, had such a change taken place? Had the influence of the people in that House been increased? Had that of the aristocracy been substantially diminished? They were told, that he influence of property would be rather increased than diminished by the Reform Bill, and had it not turned out that the influence of the landed interest had increased? There was only one Perthshire by name in the country, but there were many in principle and feeling. Had the influence of the Crown increased? Look at the Acts which had been passed even in the present Parliament, which spawned placemen. There was the Irish Ecclesiastical Bill—the Poor-laws' Amendment Bill, and a variety of others which abounded in new places. He did not charge the present Ministry with an intention of creating those places for the sake of patronage, or with a disposition to abuse the influence which they conferred; but let a conservative premier direct the Councils of Government, (and that was not an event in the highest degree improbable) and let him take this enormous amount of patronage in the one hand, and a seven years' Parliament in the other, and the Whigs might live to regret their rejection of a motion for the Repeal of that Bill. He would put the question on this ground—Ought the present Parliament to be continued for six years longer? What had they done; They had renewed the Bank Charter; they had passed the India Bill; and there were many other important measures on the anvil. If they progressed in this way, to use an American phrase, what an account would they have to settle with their constituents in 1836 or 1839! How large an account had they to settle with the Dissenters! Many Members in that

House owed their seats to the influence of that body. If they now rejected the claims of the Dissenters, ought they not to go back to those who sent them there, and let a new decision be made on their claims to sit as legislators. But if they treated the Dissenters with neglect—for he could not imagine they would be so blinded to common sense as to treat them with contempt—but if they treated such an influential body with neglect, would not men's passions be worked up by repeated disappointments? Those accumulated passions would then burst forth, and, in 1839, consequences more disastrous would be experienced even than those which had occurred in 1836. He would ask those Members who were returned at present by the Dissenting interests, whether they thought that a Parliament acting on the same principles on which the present Parliament had acted, ought to last for so long a period as seven years? The noble Lord on the other side of the House ought to recollect, that his proposition for the Reform of that House had been distinguished by its unprecedented originality. Now, those who supported the present Motion, did not ask for any innovation—they only asked the House to go back to the preamble of the Act which was introduced by the great Lord Somers. For his own part, he was utterly at a loss to account for the change which had recently come over the spirit of the Ministry. On most occasions they were for standing by our ancient landmarks; but now, when they were asked to recur to the ancient principles and the ancient practice of the Constitution, they shrunk from the proposition of his right hon. friend, the member for Lambeth. He could assure the House, he could assure the Ministers, that the people attached a much deeper interest to this question, than they appeared to imagine. He was sorry to observe, that but few members of the Cabinet were present; they appeared to think, that this question might be treated with disregard; but let them not deceive themselves again, as they had deceived themselves for some time past. Did they not know—had not recent events taught them—that they had lost the sympathy along with the approbation of the public? Let them look to Dudley. He was sorry that he was so inarticulate; but he would repeat "Let them look to Dudley—let them look to Perthshire—let them look to the other examples which they had recently had of the loss of public support." In conclusion, he said, that he was willing to let the fate of this Motion rest before any impartial audience upon their answer to this question—"Ought this Parliament to sit for six years longer?"

Mr. Secretary *Stanley* agreed with the hon. Member who had preceded him, that this question had neither novelty nor variety to recommend it to the notice of the House. The hon. and learned member for Tipperary had told them that upon this subject the public feeling with regard to Ministers had undergone a great and substantial change. In what that change consisted, how that alteration of feeling had manifested itself, he (Mr. Stanley) had yet to learn; for when the right hon. member for Lambeth had brought forward the question last year, he had brought forward at the same time in its support a number of petitions expressing the wishes of different bodies of the people for the passing of some measure to shorten the duration of Parliaments. But now, when this great change had been wrought in the hearts of the people—now, when this great revulsion of feeling had taken place, which was to manifest to the nation that Ministers no longer possessed the confidence of the public, and that they ought to be called to a serious account for no longer possessing it—what was the manifestation of this altered state of public opinion which had been brought forward by the right hon. member for Lambeth? Was there a general outcry on the part of the people for the Motion? No. Was the Table loaded with petitions in favour of the Motion? No. Was there any one petition for sexennial Parliaments? No. For quinquennial Parliaments? No. For quadrennial Parliaments? No. Was there any one for triennial Parliaments, or the six-months Parliaments, which might, peradventure, be the favourite duration of the Parliaments of the hon. and learned member for Dublin? No. Scarcely was there one petition for either. But suppose the Government were pressed for short Parliaments—suppose the distrust in them, which was stated to exist, to be the fact—suppose, contrary to all modern experience, that septennial Parliaments were injurious to the people; yet it was the bounden duty of the right hon. Gentleman who introduced this Motion, not only to prove the affirmative of his proposition but also to show, that great and serious practical evils would be remedied by it, before he could expect the sanction of this House to such a proposition—he must prove, that something new and untried was necessary to cure the evils of which he complained—he must prove, that something novel in character and principle should be resorted to before he could induce the House to accede to his Motion. Hon. Gentlemen had talked of returning to the Constitution and to the old practice of the country, and, in pursuance of that argument, had recommended the recurrence to triennial Parliaments. Now, he said, that never was argument so contradicted by history as that which made triennial Parliaments part of the English Constitution. If they were part of it, how long had that Constitution lasted? Was it for twenty-four or for twenty-two years? For there seemed to be some doubt on that point, even in the speech of the right hon. member for Lambeth. [Mr. *Tennyson*: We had triennial Parliaments for twenty-two years.] Then the duration of the Constitution was to be taken at twenty-two years. But why was the House to consider the Constitution which existed during that time, and only during that time, as the Constitution of the country? Let him not be misunderstood; he was not now contending for the right of the Parliament which existed in 1716, and which had only been elected for three years, to continue its existence for seven. He was not questioning whether that was right or wrong; he was inclined to think that it was justified by a state necessity of the time, and by that only. At the same time he was ready to admit, that whatever it might be as to Parliaments which came after it, that prolongation of its own existence was an infringement of the rights of the people which the Parliament at that time represented. He was not, however, now arguing the question whether future Parliaments should sit for six, five, four, three, or two years. All that he was now considering was, whether triennial Parliaments were demanded by the Constitution, and so far as the Constitution was concerned, he had no hesitation in saying, that triennial Parliaments were no more the Constitution of the country than septennial or quinquennial Parliaments. Hon. Gentlemen, in speaking of the necessity of recurring to triennial Parliaments, had told the House that Parliaments had never been adjourned for more than three years, and had spoken very largely of the necessity of holding frequent Parliaments. They had told the House that some Parliaments had sat for more than three years, others for only two years, and some for only one year; and one hon. Member had entered into large details to show, that the average duration of Parliaments from their commencement had never exceeded three years. Now, ought any conclusion to be drawn from such an average? During all the period to which the hon. Member had referred, what was the opinion of the people as to the constitutional right of meeting in Parliament? Why, they thought that it was a great practical inconvenience that their Representatives should be obliged to leave their homes, and resort to the Parliament chamber at Westminster. Whatever might be said of the average duration of Parliament, it was notorious that in former times it was questionable whether the right of sending Members to Parliament, and, indeed, the very existence of Parliament, was considered to be a benefit or a grievance; and the right hon. member for Lambeth must know well, that, under the old law and Constitution, Parliament might, when once assembled, be kept together for any period not exceeding the life of the reigning Monarch. In the reign of Charles 2nd, there was a Parliament which had sat, he believed, for seventeen years. He would, however, leave the question of the constitutional duration of Parliaments, for it was his firm conviction that with regard to their duration there was no period more than another sanctioned by the Constitution. The real constitutional control which the people had over the Parliaments consisted in their having the power to prevent the trust which they had reposed in their Representatives from being reposed in them so long as to be capable of abuse. An hon. Gentleman had said, "Would any man be mad enough to give another a power of attorney without reservation?" He admitted, that no man would give such a power; but Members of Parliament did not exercise their rights under power of attorney. They were not yet delegates, they were not yet come to the days when they were to be styled legislatorial attornies. Another hon. Member had asked, "Are we wiser than our constituents?" "Some of us," said Mr. Stanley, "will not, I am afraid, be able to stand that test. But our constituents do not choose us because we are wiser than they are, but because they have a confidence that we shall represent their interests faithfully and honestly—because they know us and trust us—because we are associated with them by ties which they believe that we shall not betray, even for the sake of the popularity which follows from flattering their prejudices and from pandering to their passions. Possessing, as I do, the station which I now hold in this House, from the knowledge which I have of my constituents, and which they have of me—possessing it from their confidence in my character, which I hope is unimpeached, and which I will endeavour to preserve unimpeached, possessing it upon terms, which if not specified in writing, were understood to be to this effect:—"Go to the House of Commons, watch over our welfare, protect our interests, act as our Representative, not as our delegate, go as one of the Representatives of the country, and blend our interests with those of the empire at large,"—possessing my seat, I repeat, upon these conditions, I shall not so much consider whether I am wiser than my constituents, as whether the measures which I support are calculated to promote their interests, and those of the empire at large. The hon. and learned member for Tipperary has said, "If the wishes of the Dissenters are not realized—if they find their wishes treated with contempt, then let those who are returned by the Dissenting interest go to the Dissenters again, and see whether they will again find their way to this House with their support." I will readily accept the challenge which the hon. and learned Gentleman has thrown out. I tell him, that he has singled out an instance which I am ready to take as an exemplification of the difference which exists between the systems which we mutually support. No man can feel a greater respect than I do for the respectable, and intelligent, and powerful body of Dissenters in this kingdom. I have the honour to be supported in the seat which I now occupy, not only by a numerous body of Churchmen, but also by a numerous body of Protestant Dissenters, and of Roman Catholics. But if we come here for any one thing, it is for this—that we may canvass how far the interests of the different classes of the community can be maintained and supported with safety to the general interests of the empire at large. We are bound to consider whether their demands are just, reasonable, and practicable. We are bound to enter into their policy, their justice, and their expediency; and nothing in my mind could be more injurious to the State, than to let Parliament be sent back, in the heat of disappointment, to the disappointed body, not with a view to the general interests of the empire at large, but with a view to one particular question, namely, "Will you fulfil our demands upon it, no matter whether they be reasonable or not?" I have great confidence in the good sense, in the good feeling, and, in the long run, in the sound reason of the country, and I say that if you give time for reflection, the opinion of the public will be seldom in the wrong. I go even further, I say that in the long run it never is wrong. But I will not flatter the people nor any public body. I will not say, that there are not moments of excitement, when their prejudices and their passions run away with their judgment, and make them repudiate their best friends and take up with those who are the loudest pretenders to patriotism and public virtue. A noble Lord who in the course of the debate spoke with great talent and eloquence, has told us, that a great change has been accomplished by the Reform Bill, and that, in consequence of that change, there is no inconsistency in Gentlemen voting against this Motion, who, before the Reform Bill was passed, voted in favour of every proposition for shortening the duration of Parliament. The noble Lord who had spoken with considerable eloquence (Lord Dalmeny) said, "I will not act the part of a resurrectionist—I will not dig up the buried speeches of Lord Althorp and of Mr. Stanley in 1829." Now, I will candidly admit, that if, before the Reform Bill had become law, I had spoken in favour of shortening the duration of Parliaments, I should not be ashamed, at present, at seeing a speech of mine quoted against me differing from the speech which I am now addressing to the House. But, to the best of my knowledge and belief, there is no dead carcass of mine to be dug up by any resurrectionist. No such speech of mine exists; no such speech did I ever make, for I never was a supporter of triennial Parliaments, and therefore now, when we have accomplished a Reform, I feel myself at perfect liberty to oppose any Motion for their restoration. But, says the hon. and learned member for Tipperary, "the Reform Bill makes no difference in the consideration of this question;" and then he asks, "Has it diminished the power of the Crown—has it diminished the power of the aristocracy—has it increased the power of the people? If the hon. and learned Member is prepared to answer these questions in the negative, then I ask, in the name of God and of common sense, why did not the hon. and learned Gentleman oppose the Reform Bill? To say that the Reform Bill had not diminished the power of the Crown and the aristocracy, and that it had not made the just influence of the people more felt in that House, is an assertion so bold and so rash—I say it not offensively—that I hardly expected to have heard it made in the second Session of the first Parliament elected under the Reform Bill." The Septennial Bill, the right hon. Secretary proceeded, as everybody knew, was introduced as a great measure of State, under a pressure of circumstances which threatened the existing dynasty, if not the monarchy itself. It was justified by that pressure, and by that pressure alone. Nothing else could ever form a palliation for its introduction. But whilst he made this admission, that a Parliament elected for three years only had no right to prolong its own existence beyond that term, its proceedings might be justified in prolonging the duration of the Parliaments which were to succeed it. It was in the year 1734—precisely 100 years ago—that Sir William Wyndham, then occupying that place in the ranks of opposition which was now so much better filled by the right hon. member for Lambeth, brought forward his philippic against the Ministers of that day—showed that they had once occupied a high station in public esteem, from which they were daily, if not hourly, sinking—proved that they had had hopes entertained of them, which they had, by their own conduct, entirely blighted—and contended, that corrupt and profligate as the House was, increasing as the influence of the Crown was within it, enormous as was the number of placemen who had seats in it, filled as it was by naval and military men, so much so as to gain for it the *sobriquet* of the Officer's Parliament; it was absolutely necessary to the restoration of its purity, that the repeal of the Septennial Act should immediately take place. He would now ask, whether the state of the House at that time ought in any respect to be compared with the state of the House at present? Would it be tolerated at present, that any Gentleman should get up in his place, and should argue as Sir William Wyndham argued, that it was right to diminish the duration of Parliament from seven years to three, because if a man could get a seat in Parliament for 1,500*l.*, said Sir William, and could obtain a pension of 500*l.* a-year for seven years from Ministers, he could pay his expenses, and put 2,000*l.* in his pocket; whereas, if Parliament only sat three years, he would lose the interest of his money, and gain nothing for the trouble and expense which he had incurred, even supposing him to obtain the same pension. At that time—he was speaking of what took place 100 years ago—it was acknowledged that votes had become the object of barter and sale. The argument then advanced in support of the present proposition was this:—"You must diminish the temptations to bribery and corruption. Make, then, the term of service in Parliament so short, that the price which any Minister may offer for it shall not be equal to the sum necessary for the purchase of the representation of the borough." Sir William Wyndham, in bringing forward the arguments which he had to urge in support of it, said, that if ever there should be; and he did not mean to say, that there was, but such a case, though it had not happened, possibly might happen,—Sir William Wyndham, he repeated, said, that if there ever should be a Minister, having no virtue of his own, and ridiculing the possession of it in others, raised by no talents of his own to the bad eminence which he possessed; and at the same time disgrace, misunderstanding or disregarding the interests, the honour, and credit of the country, as ready to sacrifice its most important concerns as to purchase a corrupt majority of its Representatives, in such a case it would be advisable to have recourse to the system of Triennial Parliaments, in order that the people might have an opportunity of calling upon that Minister to account to the people whose rights he had violated, and whose liberties he had crushed. What was the answer given by Sir Robert Walpole to this invective? He said it was easy—nothing more so—to talk about Ministers being corrupt, and profligate, and domineering; he said, it was no less easy to talk about the increased patronage and influence of the Crown; but he added, that as the hon. Gentleman had made suppositions, meaning some persons, but no person, as they said, now in being, he trusted that he, too, might be allowed to draw a picture in his turn, not meaning of course to give a description of any particular person then in existence. There might be, he said, some Anti-minister in that House, abandoned to all sense of honour and virtue, actuated only by motives of envy and of resentment against those who had disappointed his views, or who had not complied with his desires, thinking himself a person of great and eminent parts, seeking equally with his rival that bad eminence which he was hourly denouncing, and currying and canvassing the favour of all who seemed likely to second his efforts to rise to it; and what would the House think of such a wretch? This was the language used in 1734 by Sir Robert Walpole; the same supposition which had been made in 1734 might be ventured on again in 1834, though of course it could not apply to any particular person. He asked hon. Members whether there was any thing in the present state of the Representation to justify such a charge as this against the House; that its Members were so profligate and corrupt, that Ministers were so base and negligent of their duty, that the power of the Crown was so greatly on the increase, that the number of placemen was so enormous, that the mass of naval and military officers in the House was so overpowering, as to render it incumbent upon Parliament to make the duration of Parliaments so short as to prevent the possibility of jobbing in future? He admitted, that the arguments against the present proposition which were good in 1734, might be unwarranted in 1834, owing to the different circumstances of the times. But supposing the House to leave those arguments out of consideration, and to repeal the Septennial Act, with what period of duration would the advocates of your present constitutional doctrines be satisfied? He was sure, that the right hon. member for Lambeth was too candid to deny, that Quinquennial Parliaments would be a mere delusion, and would do no good. The right hon. Gentleman, he was certain, wished the House to come back to the Triennial Bill, which he was pleased to denominate the ancient and genuine constitution of the country. But no, said the hon. and gallant Admiral near him, — "Triennial Parliaments, in my opinion, will be destructive to the constitution. I will, however, support the Motion for repealing the Septennial Bill, because, when that is repealed, I may introduce my project of a Quinquennial Bill." But what did the right hon. member for Lambeth say to this?—"I will take your support to repeal the Septennial Bill; but if you think to satisfy either me or my constituents by your proposition of a Quinquennial Bill, you labour under a delusion —you might as well give us a Septennial as a Quinquennial Bill." Then came the hon. and learned member for Paisley, and considering how fresh he was from the hustings, he was perhaps justified in saying "there was nothing like the first Session, in which a Member of Parliament took his seat." He (Mr. Stanley) knew that, in the first Session of Parliament, hon. Members came up with all the glow of patriotism full upon them; fresh from the hustings, they fancied themselves the express image of the wants and wishes of the people, and they acted accordingly. "Look," said the hon. and learned member for Paisley, "all that was done in the first Session of Parliament." It was true, that in that Session we carried many great and beneficial measures. It was on the 15th of May last year, that he had introduced the first great measure of the Session, that for the abolition of negro slavery. It was now the 14th of May, and he had—

An hon. *Member* near Mr Sheil.—Your first great and beneficial measure was the Irish Coercion Bill.

Mr. *Stanley*.—That was undoubtedly a great and important measure; at any rate, he knew that it took up a considerable portion of their time. To return, however, to the hon. and learned member for Paisley. The hon. Member said, that he would not have Annual Parliaments, for he thought it only right, that we should let the gloss get off the newly-elected Representative. But the hon. and learned Member went further, he was as much opposed to Biennial and Triennial Parliaments, as he was to Annual Parliaments, and he would have Quadrennial Parliaments. This was what the hon. and learned Member had called his "ultroneous proposition." What the hon. and learned Member meant by this phraseology, he (Mr. Stanley) was at a loss to understand, for he must candidly confess, that he never heard it before. Let the House consider the contradictory propositions which had already been advanced upon this very point. The right hon. member for Lambeth said, that the duration of Parliament for seven years was too long. "Oh!" says another hon. Member, "I fully concur with you. I will consent to shorten the duration of Parliament to five years." "No," says another, "you do nothing unless you shorten it to three." "Three years," says the hon. and learned member for Paisley, "is too short a period —the gloss is not worn off us—give us four years, and then you will hit the proper medium." Then comes a fourth Gentleman, and he tells us that Triennial Parliaments are too long. "Let us therefore have Biennial Parliaments. In the first year, we shall have a lively recollection of what passed at the hustings, and in the latter a lively anticipation of what will soon take place there," [*Loud cries of "Hear."*] What! did hon. Gentlemen by their cheering mean to intimate that that was a recommendation of Biennial Parliaments? He thought, that it was quite the reverse. On that point he went along with the hon. member for Carlisle. He liked seven years better than six, six years better than five, five years better than four, four years better than three, three years better than two—no, he did not know that he liked three years better than two, or even than one; for if you once came to a state of things, in which you were looking all the time of your sitting in Parliament to the hustings, and to the hustings alone, he said, that it would be impossible for any Member of Parliament to discharge his duty, he would not merely say conscientiously to himself, but even usefully to his constituents and to his country. Your Triennial Parliament would be a two years' Parliament. It would never be allowed to go on to the last moment, because its first Session would be taken up in examining the Returns of the last election, and its second in anticipating those which might take place at the next election. Could such a system be either useful or beneficial to the country? On the grounds on which the right hon. Gentleman recommended it to approbation —for let them not flinch from his principles —every vote should be given under the influence of this consideration—"What will my constituents think of it? Shall I by this vote get a majority of ten where, before I only got a majority of five—shall I get over the great influence, which, at the last election voted against me?" With such consequences before him, he would rather adopt the project laid down by the hon. member for Carlisle on the one hand, and the hon. and learned member for Dublin on the other, than adopt the present Motion. He would say with the one, "Let us be annual delegates;" and with the other, "let us be legislatorial attornies; let us abandon our existence as a legislative body; let us adopt the plans of those who have sent us here; let us give up our independence at once, for anything is better than our assumption of an independence we do not possess." He did not ask whether men of rank, and character, and independent fortune, would submit to the degradation of being thus subservient in that House. [*Cheers from Mr. Tennyson and his friends.*] "The right hon. Gentleman (said Mr. Stanley) cheers me—every man is the best judge of his own feelings; and I know for myself, that I would not submit to such degradation. I say, that if I were to act under compulsion as to every vote—the right hon. Gentleman waves his hand impatiently, and says, "Oh, Oh!" but I repeat, that, if with regard to every question that came before the House, I was to be subjected to the examination and cross-examination of my constituents, and to have no free will upon any, I would not submit to it. Such a system would not be tolerable, or if it were tolerable, it would destroy the authority of this House altogether; or by making it the organ of the popular will, and not of the popular judgment and reason, would render it impossible for any Minister to conduct the affairs of the empire—would bring it into collision with the other branches of the Legislature, and would end by bringing itself into contempt, and the monarchy into ruin. For these reasons I deprecate this Motion. Is there any useful result to be obtained by it? It is an abstract proposition, founded on what the right hon. Gentleman calls the best practice of the Constitution—namely, that the present duration of Parliament is not short enough for a due control of the Representatives of the people." But, was the present state of affairs, the right hon. Secretary proceeded, anything like that state which justified the original passing of the Triennial Bill? He asserted that it was not. If there was any similarity, let the right hon. Gentleman tell the House at once to what time he would limit the duration of Parliament. After giving us his abstract proposition, was he going to throw it into the House loosely among Gentlemen who all entertained different opinions as to its propriety, for the purpose of exciting alarm as to the durability of our institutions? On these grounds he hoped, that the House would not consent to the introduction of a Bill which was brought forward on no sound theory or constitutional practice; and which professed to lead to no fixed or certain result; but which, notwithstanding, admitted of the application of principles, that if carried into effect, would in all probability lead to the destruction of the Constitution of the country, and endanger the existence of the monarchy itself. If there were any great or practical grievance to complain of, apply an adequate remedy—take a large and liberal Reform to the full extent of the evil; but till the existence of positive evils and grievances was proved, he held all change in relation to a question so important as the duration of Parliaments to be in itself a great and serious evil; and if, in the present state of things no practical danger existed, he called upon the House, to abide and hold fast by what they possessed, as they valued the safety of the country.

Mr. *Hill* observed, that the right hon. Gentleman (Mr. Stanley) had said no motive should induce him to surrender his opinion to that of his constituents, unless he could be convinced that they were right and he was wrong in the view taken of any question. Surely the right hon. Gentleman would not refuse to give other Members of that House credit for similar independence of opinion and action under the same circumstances; and if he did, what became of the right hon. gentleman's argument against shortening the duration of Parliaments, so far as his reasoning was founded on the assumed slavery of representatives and their inability to resist the prejudices of their constituents in the event of more frequent elections? The Members of every Septennial Parliament were in the same situation as that which the right hon. Gentleman so much deprecated, after having sat three years. Was it meant to insult Gentlemen by saying, that if the present question, for instance, were brought on at a more advanced period of this Parliament, they would shrink from expressing their actual opinions, and pander to the feelings or prejudices of their constituents, on account of the approaching election? He did not know that any grounds existed for such a supposition; but if there were any such Members in the House, the sooner they were sent back to their constituents the better. But he felt no apprehension of such misconduct; corrupt as mankind were, they did not like to depart openly from their duty and vote against their consciences. The supposition on the other side of the House was, that Gentlemen who voted for the true interests but against the prejudices of their constituents might suffer for their conduct, and that they would be afraid to go back to the hustings. How could this occur? Were they so weak, so destitute of reason and argument, as to be unable to show their constituents in what instances they had supported their real interests, though it might have been at the expense of offending prejudices? In former Parliaments Gentlemen had not unfrequently differed from their constituents on important questions, yet, upon going again to the hustings, they had succeeded in proving the rectitude and propriety of their conduct, and their constituents gave them credit for it. Was a different result to be expected in a Reformed Parliament and from a reformed constituency? He thought that the triennial system would have the effect of keeping the feelings of representatives and constituents nearer together, and in greater harmony, than if the period of election was less frequent. A certain correspondence ought to exist between the opinions of Members and their constituents. A man could not be a real representative of any body of electors if he differed materially from them on important points; in such an event he ought to withdraw, and find another constituency. It had been said, that but few petitions had been presented in favour of shortening the duration of Parliament, and that therefore the first measure ought not to have been introduced, seeing that it was uncalled for; but it was not for the honour or dignity of Parliament, nor conducive to the tranquillity and comfort of constituencies, to assume that measures should not be adopted till they were pressed on the attention of the Legislature by a multitude of petitions. Grant a measure of justice before it was clamorously demanded, and the people would receive it with thankfulness; whereas, if you delayed your concessions till a later period, much ampler and more extensive measures would be accepted with a contrary feeling.

Mr. *Edward Lytton Bulwer* professed himself unable to find in the speech of the right hon. Gentleman opposite, witty and ironical as it undoubtedly was, a single convincing argument against the Motion. Who could have supposed that an argument against the Bill should have been urged on the ground of the disadvantage of dissolving Parliaments in times of popular excitement? who could ever suppose that such an argument would proceed from one of his Majesty's present Ministers who did dissolve Parliament at a period of great excitement without discovering those inconveniences which the right hon. Gentleman now apprehended? Nay more, one of those Ministers had that night professed the opinion, that the Government did generally dissolve Parliament when an excitement existed favourable to its own views. He therefore would support the Motion.

Lord *Ebrington* would not enter into the argument upon the abstract merits of the question as to the superiority of Septennial or Triennial Parliaments, but was anxious to state the grounds upon which he should give his individual vote on the present occasion. He was one of those who at a former period, and in other places (not in that House), had expressed an opinion in favour of the shortening of Parliaments. He did so when there existed little or no prospect of effecting any extensive or general measure of Parliamentary Reform; but when, in the course of the discussions on the Reform Bill, its supporters were taunted with its being only a stepping-stone to further demands and reforms, he ventured to state, that although he had entertained an opinion favourable to a larger reform, yet if he could see the Bill then before the House carried in its existing shape, he would be satisfied to give up all ulterior measures, and take that as a final and conclusive reform. Subsequently he told his constituents that he should oppose ulterior measures, and, notwithstanding, that he had the satisfaction to be re-elected by them, and to receive their approbation of his principles and opinions. From his experience of what had been done by the Reformed Parliament, and looking to the advantages which he expected to result to the people from their hopes on the subject of representation being fully realized, he felt bound to abide by the opinion he had then expressed, and should therefore vote against the right hon. Gentleman's Motion, although individually he had no great objection to five years being substituted for seven as the period of the duration of Parliament.

Sir *William Chaytor* supported the Motion, and observed that he saw no good reason why five or even three years should not be fixed as the maximum of the duration of Parliaments.

Lord *John Russell* wished to obtain if possible a clear idea of the precise proposition on which the House was about to come to a vote. The right hon. Gentleman had raised a question as to the duration of Parliaments, without any attempt to settle the exact period of their future existence. The whole question was one of duration, and the point to be decided was whether Parliament should continue for six, five, four, three, or one year; yet the right hon. Gentleman, though he proposed to shorten the duration of Parliaments, did not distinctly state what period he intended to recommend on the repeal of the Septennial Act. Was the proposition to be, that Parliaments should continue to sit for five years? The right hon. Gentleman had told the House that a Quinquennial Bill, so far from settling, would, in point of fact, unsettle the whole question, and that if such a measure were adopted in the first instance, we should be obliged ere long to have recourse to further legislation. Therefore it was to be presumed the right hon. Gentleman would not propose to pass a Quinquennial Bill. He hoped that the right hon. Gentleman would state clearly in his reply what he had not explained in his opening speech—whether he was decidedly favourable to a period of three years for the duration of Parliaments? If that were the right hon. Gentleman's proposition, did he think it advisable that the present Parliament, which had sat for two years, and completed many important acts of legislation, which had now under consideration many more, and which day by day was learning better to perform the business of legislation—did he think it advisable that this Parliament should be dissolved after the present Session? If there were Triennial Parliaments, it would necessarily be the practice to dissolve them before the limited period of their duration had expired, as was now done under the septennial system. Such a practice must prove equally inconvenient and disadvantageous—it could only lead to hasty and imperfect legislation. However, if the right hon. Gentleman's proposition was made with a view to Triennial Parliaments, let him frankly state his opinion, that after the end of the present Session, it was right that the existence of this Parliament should cease and determine, and that its longer continuance was inconsistent with the rights and interests of the people.

Colonel *Evans* said, that considering the noble Lord's knowledge of the practice of Parliament and the constitution of the country, he felt surprised, that the noble Lord should appear to think Members were bound to vote, not in reference to the Motion which appeared on the papers of the House, so much as upon the opinion expressed by the right hon. Gentleman who brought the subject forward. It was evident, however, that the noble Lord pressed this point for want of some better and more conclusive argument, and with a view to compromise the right hon. Member, and divide the support which he might receive if the question of time were left open. For himself, he intended to vote, not in reference to any opinions expressed or entertained by the right hon. Gentleman, nor upon the question of six or three years' duration of Parliaments, but simply on the Motion before the House, that the duration of Parliaments ought to be shortened. With respect to the conduct of this Reformed Parliament, he denied, that it had so eminently and usefully distinguished itself during its two Sessions as the noble Lord seemed to suppose. If gentlemen were to go back to their Constituents and tell them that in those two Sessions they voted for the Irish Coercion Bill in the first instance; and secondly, granted a compensation of 20,000,000*l.* to the West-India proprietors of slaves; and lastly, were engaged in this extraordinary measure relative to the Poor-laws, which put an end to the local management and distribution of the rates, and vested in three Commissioners the control of 7,000,000*l.* of revenue,—he should like to know whether hon. Members would expect to be returned again to that House?

Mr. *Tennyson* stated, in reply, that his Motion was simply for shortening the duration of Parliaments; and, as the noble Lord perfectly well knew, it was precisely the same, in form and substance, as former Motions which had been frequently submitted to Parliament on the same subject. He apprehended, that the reason those Motions had been so shaped was, because, being thus framed, they left gentlemen unpledged and at liberty on the subject of the exact duration of Parliaments, till they should have had opportunities of discussing, in Committee, the particular term that could be most advantageously adopted, while they at once decided that seven years was too long a period for the continuance of Parliament. However, this latter opinion, as to the propriety of shortening the present duration of Parliaments, was the only opinion required from gentlemen who should vote for the proposed Bill. Those who voted against it would offer a conclusive opinion, that seven years was the fit term for the continuance of Parliaments. The noble Lord was an old practitioner, and had put the question proposed to him for the purpose of placing him in a strait. However, he would answer the noble Lord candidly, and admit that he intended (as he had stated) to propose "three years" in Committee, as the period for the duration of Parliaments; but he suggested, that particular term without offering a decided opinion on the subject, and for the purpose of raising a question which it would be for the Committee (should the Bill reach that stage) to decide. The period referred to, had the advantage of constitutional sanction, and he would not undertake, on his own authority, to change it; but other Gentlemen might propose different terms which his Bill would admit. The right hon. Gentleman was mistaken, in thinking that he had argued for Triennial Parliaments, on the supposition that the term was specially constitutional—the practice having lasted twenty-two or twenty-four years. He did not intend to argue the question thus, but on the ground of public advantage and expediency. On the subject of the length of past Parliaments, he might observe, that, of twenty-two septennial Parliaments, the average duration was five years; fifteen had extended over a period of ninety-one years, averaging six years each; the remaining seven were determined by the demise of the Crown, or other circumstances, which left the Government no option as to their dissolution. He admitted, that but few petitions had been presented on the subject, and he thought it a great misfortune that there should be such a degree of apathy in the public mind upon the point. [*Cheers*]. Let Gentlemen give him time to complete what he intended to say, and then cheer if they thought proper. He said it was a bad sign of the times when there existed apathy in the public mind in relation to the business of the country—it showed distrust of their representatives, or despair of redress. However, the next time Gentlemen appeared on the hustings, they would probably find, that there was a feeling of the imperative necessity of shortening Parliaments; and he was much mistaken if that would not be made a test, and if pledges would not be demanded on the subject.

Mr. *John Stanley* stated, that his reason for rising was, because some Gentlemen, who seemed to express their approbation of the proposition for shortening Parliaments, had complained that the period of their intended duration was not specified. In order to give Members who objected that they did not clearly know what they were voting for, an opportunity of supporting the measure on distinct and specific grounds, he should move, by way of Amendment, that the Bill be one to shorten the duration of Parliament to five years. The hon. Gentleman concluded by moving his Amendment.

The Amendment was negatived, and the House divided on the original Motion:—Ayes 185; Noes 235: Majority 50.

List of the Ayes.

Abercromby, Hon. J.
Adam, Admiral
Adams, E. H.
Aglionby, H. A.
Attwood, T.
Baillie, J. E.
Baines, E.
Baldwin, Dr.
Bannerman, A.
Barnard, E. G.
Barnett, C. J.
Barron, G.
Barron, H.
Barry, G.
Beauclerk, Major
Bellew, R. M.
Bewes, T.
Bish, T.
Blackburne, J.
Blake, T.
Blunt, Sir C.
Bouverie, Hon. D.
Bowes, J.
Briggs, R.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, D.
Buckingham, J. S.
Bulwer, E. L.
Butler, Colonel
Cayley, Sir G.
Chaytor, Sir W.
Clay, W.
Collier, C.
Dashwood, G. M.
Denison, W. J.
Divett, E.
Dobbin, L.
Dundas, Capt.
Dunlop, Capt.
Dykes, F. L. B.
Ellis, W.
Etwall, R.
Evans, Colonel
Evans, George
Ewart, W.
Ewing, J.
Faithfull, G.
Fellowes, H. A. W.
Fenton, J.
Ferguson, Sir R.
Fergusson, R. C.
Fielden, J.
Finn, W. F.
Fitzsimon, N.
Fleetwood, H.
Fryer, R.
Gaskell, D.
Gillon, W. D.
Grote, G.
Guest, J. J.
Gully, J.
Hall, B.
Handley, B.
Handley, H.
Hawes, B.
Hawkins, J. H.
Harvey, D. W.
Hay, Colonel
Hill, M. D.
Hodgson, J.
Hodges, T. L.
Hornby, E. G.
Hughes, H.
Humphrey, J.
Hurst, R. H.
Hutt, W.
Ingham, R.
Ingilby, Sir W.
James, W.
Jervis, J.
Kennedy, J.
King, E. B.
Lalor, P.
Lambert, H.
Lambton, H.
Leech, J.
Lefevre, S.
Lister, E. C.
Lloyd, J. H.
Locke, W.
Lushington, Dr.
Madocks, J.
Marjoribanks, S.
Marshall, J.
Marsland, T.
Maxwell, J.
Methuen, P.
Molesworth, Sir W.
Morrison, J.
Mullins, F. W.
Nagle, Sir R.
O'Brien, C.
O'Connell, Daniel
O'Connell, C.
O'Connell, Maurice
O'Connell, Morgan
O'Connor, Don
Oliphant, L.
Oswald, I.
Oswald, R. A.
Palmer, C. F.
Palmer, General
Parker, J.
Parker, Sir H.
Parnell, Sir H.
Parrott, J.
Pendarves, E. W.
Penleaze, J. S.
Philips, M.
Plumptre, J. P.
Potter, R.
Pryme, G.
Pryse, P.
Richards, J.
Rider, T.
Rippon, C.
Robinson, G. R.
Roche, D.
Roche, W.
Roebuck, J. A.
Romilly, E.
Romilly, J.
Ross, H.
Rotch, B.
Russell, Lord
Russell, Lord C.
Ruthven, E.
Ruthven, E. S.
Sandford, Sir D. K.
Sanford, F. A.
Scholefield, J.
Scrope, P.
Seale, Colonel
Sharpe, General
Shawe, R. N.
Sheil, R. L.
Simeon, Sir R.
Sinclair, G.
Stanley, H. T.
Stanley, E. J.
Staunton, Sir G.
Staveley, T. K.
Stewart, Lord J.
Stewart, Sir M.
Strickland, Sir G.
Strutt, E.
Sullivan, R.
Talbot, J. H.
Tancred, H. W.
Thicknesse, R.
Todd, R.
Tooke, W.
Torrens, Colonel
Trelawney, Sir W.
Turner, W.
Tynte, C. J. K.
Vernon, Hon. G.
Vigors, N. A.
Vincent, Sir F.
Walker, C. A.
Wallace, R.
Walter, J.
Warburton, H.
Ward, H. G.
Wason, R.
Whalley, Sir S.
Wigney, J. N.
Wilbraham, G.
Wilks, J.
Wood, Alderman

TELLERS.

Codrington, Sir E.
Tennyson, Rt. Hon. C.

PAIRED OFF.

Bainbridge, E. T.
Beaumont, T. W.
Chapman, M.
Dawson, E.
O'Dwyer, A.
Fort, J.
O'Ferrall, M.
Poulter, J.
Walker, R.
Williams, Colonel

List of the Noes.

Acheson, Viscount
Agnew, Sir A.
Althorp, Viscount
Anson, Colonel
Ashley, Lord
Astley, Sir J.
Attwood, M.
Baring, F.
Baring, H.
Baring, A.
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bolling, W.
Browne, J.
Bruce, Lord E.
Bruce, C.
Brudenell, Lord
Buller, E.
Bulteel, J. C.
Burrell, Sir C.
Byng, Sir J.
Byng, G.
Calcraft, J. H.
Callander, J. H
Campbell, Sir H. P.
Carew, R. S.
Carter, J. B.
Castlereagh, Viscount
Cayley, E. S.
Chaplin, T.
Chetwynd, Captain
Christmas, W.
Clements, Viscount
Clive, E. B.
Cockerell, Sir. C.
Cole, Viscount
Cole, Hon. A.
Cooper, Hon. A. H.
Colborne, R.
Compton, S.
Conolly, E. M.
Corry, Hon. H. T.
Crawley, S.
Crawford, W.
Cripps, J.
Curteis, Captain
Curteis, H. B.
Dalmeny, Lord
Daly, J.
Darlington, Lord
Davies, Col.
Denison, E.

Dick, Q.
Dillwyn, L. W.
Donkin, Sir R.
Duncombe, Hon. W.
Duffield, T.
Dundas, J. D.
Eastnor, Viscount
Ebrington, Viscount
Egerton, W. T.
Ellice, Right Hon. E.
Elliot, Captain
Estcourt, T.
Evans,
Ferguson, Capt.
Feilden, W.
Finch, G.
Fleming, Admiral
Foley, E.
Forster, C. S.
Forester, Hon. C. W.
Fox, Col.
French, F.
Galway, J. M.
Gaskell, J. M.
Gladstone, W. E.
Gladstone, T.
Goring, H. D.
Goulburn, H.
Graham, Sir J.
Grant, Right Hon. R.
Grey, Sir G.
Grey, Colonel
Grimston, Viscount
Grosvenor, Lord R.
Halcomb, J.
Halford, H.
Hanmer, Col.
Hanmer, Sir J.
Hardinge, Sir H.
Harland, C. W.
Hayes, Sir E.
Heathcote, Sir G.
Heathcote, G. J.
Herbert, Hon. S.
Herries, Right Hon. C.
Heron, Sir R.
Hill, Lord M.
Hill, Sir R.
Hope, H. T.
Horne, Sir W.
Hoskins, K.
Howard, Hon. E.
Howard, P. H.
Howick, Lord
Hyett, W. H.
Jermyn, Earl
Johnstone, J. H.
Johnstone, Sir J. V.
Johnstone, Sir F.
Johnston, A.
Jolliffe, Col.
Jones, Captain
Irton, S.
Keppel, Major G.
Kerry, Earl of
Kerrison, Sir E.
Knatchbull, Sir E.
Labouchere, H.
Lefroy, T.
Lefroy, A.
Lennox, Lord
Lewis, Right Hon. F.
Lincoln, Lord
Littleton, Rt. Hon. E. J.
Loch, J.
Lopes, Sir R.
Lyall, G.
Lynch, A. H.
Maberly, Col.
Mackenzie, J. A. S.
Mangles, J.
Marryatt, J.
Martin, J.
Martin, T. B.
Mills, J.
Miles, W.
Milton, Lord
Moreton, Hon. A.
Morpeth, Lord
Mosley, Sir O.
Nicholl, J.
Norreys, Lord
Ossulston, Lord
Oxmantown, Lord
Palmer, R.
Palmerston, Lord
Pechell, Sir S. B.
Peel, Sir Rt.
Pelham, Hon. C. A.
Pepys, C. C.
Petre, E.
Percival, Col.
Phillips, Sir G.
Pigott, R.
Pinney, W.
Pollock, F.
Rae, Sir W.
Ramsden, J. C.
Ramsbottom, J.
Reid, Sir J. R.
Rice, Hon. T. S.
Rickford, W.
Ridley, Sir M. W.
Rolfe, R. M.
Ross, C.
Rumbold, C. E.
Russell, Lord J.
Ryle, J.
Sandon, Lord
Scott, Sir E. D.
Sebright, Sir J.
Sheppard, T.
Spankie, R.
Somerset, Lord G.
Stanley, Rt. Hon. E.
Stanley, E.
Talbot, J.
Talbot, W. H. F.
Tayleure, W.
Taylor, Rt. Hon. M. A.
Tennent, J. E.
Thompson, Ald.
Thompson, P. B.
Tower, C. T.
Townley, G. R.
Tracy, C. H.
Trevor, R.
Troubridge, Sir E. T.
Tynte, Col.
Tyrell, Sir J.
Tyrell, Col.
Vaughan, Sir R.
Verney, Sir H.
Vernon, Col.
Vernon, C. H.
Villiers, Lord
Vivian, Sir R. H.
Wall, C. B.
Walsh, Sir J. B.
Warre, J. A.
Watson, Hon. R.
Wedgwood, J.
Wemyss, Captain
Whitbread, W.
Whitmore, W. W.
Wilmot, Sir E.
Willoughby, Sir H.
Windham, W. H.
Wood, C.
Wood, G. W.
Wood, Col.
Wynn, Rt. Hon. C.
Yorke, Captain
Young, J.

PAIRED OFF.

Cripps, J.
Feilden, W.
North, F.
Pease, J.
Rice, Hon. T. S.
Shaw, F.
Sanderson, R.

HARBOURS IN THE CHANNEL.] Mr. *Halcombe* rose to move for the appointment of a Select Committee to inquire into the present state of the Harbours on the coast of Kent and Sussex, and particularly upon the best means of preventing the accumulation of beach at their entrance, and to suggest such improvements as might be deemed necessary or desirable for affording greater safety to the shipping of this country. It was not his intention to detain the House with many observations, but as he understood there was some intention of opposing his Motion, he might be pardoned for troubling them with a short statement to show the necessity of the measure. It was a notorious fact, that, by reason of the accumulation of sand or beach across the mouths of the harbours on the Kent and Sussex coast, which had been suffered to go on without interruption, there was now only one harbour in that part of the kingdom to which ships, overtaken by stormy weather, could resort with safety, namely, Ramsgate; whereas, if the subject had been properly attended to, there were the harbours of Dover, Folkstone, Shoreham, Sandgate, &c., which would be equally accessible. The subject was one of great importance to the mercantile and shipping strength of the country, and he undertook to say, that the course which he wished to be adopted would be attended with very little expense. If the House granted him this Committee, he would promise to bring before them the testimony of several eminent and ingenious individuals who had devoted their especial attention to the subject, and were prepared with plans to remedy the evil complained of. He was aware that it might be objected to his Motion, that, in as far as the Cinque Ports were concerned, there were local Acts and local Boards for their respective management, and therefore, that interference on the part of this House was unnecessary. But the fact was, that application had been repeatedly made to those Boards, especially that for Dover, without success.

Sir *James Graham* said, he was very unwilling to oppose a Motion which bore such a specious semblance of utility as that of the hon. and learned member for Dover. But he really must be allowed to say, that when he came to consider it, he never had heard a more extraordinary Motion than the present one. As far as he had been able to follow the arguments of the hon. and learned Member, the principal subject for the proposed Committee to inquire into, was, whether certain banks or bars which obstructed the entrance to certain harbours on the coast of Kent and Surrey, formed of sand or shingles, could be removed. Now, he must say, that he thought that would be a very fruitless inquiry to engage the attention of a Committee of that House. He would candidly state to the House, that the Board of Admiralty had lately received several strong applications from the Cinque Ports, desiring that, at the public expense, certain engineers should be sent down to carry certain improvements into execution which were deemed advisable. The Board, however, considered, that the Downs already afforded sufficient accommodation for his Majesty's navy, whether in time of peace or war; and, therefore, that on public grounds there existed no pretence for such an outlay as would be required. But the fact was, the hon. and learned Member had, in the course of his address, anticipated an answer to his arguments which he (Sir J. Graham) thought quite satisfactory; and that was, that there already existed local Boards for the regulation of the Cinque Ports, who were much more competent to form an opinion on the subject than any Select Committee of that House. Under this consideration he felt bound to resist the Motion of the hon. and learned Member.

Mr. *George F. Young* thought, the local Boards which already existed amply competent to attend to the grievances complained of. He had not discovered one single argument in the speech of the hon. and learned Member which could recommend this subject to the legislative attention of the House.

Sir *Thomas Troubridge* thought the subject well worthy of consideration, whether, at a time when France was active in repairing and extending her harbours, we should be totally neglectful of the condition of our own ports. He regretted, that the Board of Admiralty had not taken the subject into their own hands, and trusted that the House would not inconsiderately dismiss it, now that it had been brought under their notice.

The House divided, when only the teller rose to go forth; the division, therefore, was—Noes 83; Ayes 0: Majority 83.

Hand-Loom Weavers.] Mr. *John Maxwell* spoke to the following effect:—Sir,—In asking for a Committee of Inquiry into the causes of the distress of 500,000 hand-loom weavers, I shall remind the House of the passage in the Speech of our gracious Sovereign, wherein his Majesty says, "I shall feel it my duty to co-operate with you in such legislative improvements as may be necessary to remove any grievances under which any portion of my subjects may be labouring." I remind the House of this emphatic and encouraging announcement, in order that these artisans may not impute any want of sympathy,—any wish to withhold them relief where a contrary desire is not only felt, but declared, at the very commencement of the Session, and in order to let the representatives of these most suffering and meritorious artisans know, that every proposition for their benefit would receive a prompt and willing support and sanction from the Crown. I am aware that there is, in this branch of the Legislature, a real or an assumed opinion, that no aid can be given to these petitioners, and that the mode of relief which the prayer of their petitions point out, would introduce a system of regulation of the prices of their productions and of their labour, which would fetter trade, and not secure the object they seek—" the best wages that their employers could afford, without injury to the general interests of manufactures, and the welfare of the empire." It is to bring this difference of opinion between the working classes and this House under discussion, that I have felt it my duty to move for a Committee of Inquiry, more particularly because many of these artisans have no direct representation, and therefore have a stronger claim to the attention of every individual in this assembly, who has the maintenance of existing institutions at heart. That my impression of the justice and the expediency of complying with these petitioners' wish may have some weight, I shall quote the words of Mr. Pitt on the subject of the Arbitration Act: 'The time will come 'when manufactures will have been so long 'established, and the operatives not having 'any other business to flee to, that it will 'be in the power of any one man in a 'town to reduce the wages, and all the 'other manufacturers must follow. Then, 'when you are goaded with reductions, 'and made willing to flee your country, 'France and America will receive you 'with open arms, and then farewell to our 'commercial superiority. If ever it does 'arrive at this pitch, Parliament, if it be 'not then sitting, ought to be called 'together; and if it cannot redress your 'grievances, its power is at an end. Tell 'me not that Parliament cannot, it is 'omnipotent to protect.' The time to try the power of this House is arrived. The petitioners declare, that "it is in the power of any one man to reduce the wages, and all the other manufacturers must follow." No manufacturer will deny this necessity to follow reduction; no theorist can deny it. I will add, that the hand-loom weavers are not only goaded by these reductions, but that many of them have fled to France and America, that those who have not yet fled, and "have no other trade to flee to,"—are too ill-clothed, in many instances, to be able to go to church, to send their children to school, or to enforce those habits of life, and principles of morality, without which this empire can neither be happy nor powerful. I will leave to the manufacturers to say, whether we are or are not "bidding farewell to our commercial prosperity." It appears to me, that if there be prosperity to the employer, there ought not to be such adversity to the employed: let us at all events devote our immediate and fullest efforts to ascertain the causes of such imperfect prosperity, to demonstrate the necessity or advantage of its continuance—or endeavour to make the alleged prosperity mutual. If the nation or the state derive benefit by this paralytic sort of prosperity, let that benefit be made manifest to these petitioners. Let it be proved that their privations contribute "to the safety, honour, and welfare of his Majesty and his dominions." Let them have no doubt, that such sacrifices are beneficial to their neighbours,—that the desire of their Sovereign to "co-operate in removing their grievances," must neither be gratified, nor awaken corresponding feelings in Members of this House, because the interests of humanity, and the dictates of religion, impede the march of sound principles and an enlightened policy! Let us not for some temporary or abstract doctrine of political economy, forget the first and unalterable principles of good government—encouragement to virtue and industry, and the greatest possible happiness to the greatest number. If the Sabbath was made for man, and not man for the Sabbath, how much more should any mere human theory be made subservient to his well-being. It may be alleged, perhaps, against the proposal of these petitioners, "that should the Legislature sanction agreements of a majority of manufacturers and of weavers, as to the price of cloth, it would do the weavers little or no good, and could not be rendered effectual." My answer to that objection is, that experience demonstrates it will do them some benefit. Already their unsanctioned agreements—as practised for above a year in Paisley, and half a year in Glasgow—imperfect as they have been from want of such legislative sanction, have worked well—have given greater security to the employer, and better wages to the employed. Nevertheless, in both places, these social compacts have, in one or more instances, been violated; and not without excitement and angry collision, accompanied with the withdrawal of the service of their weavers, and with the consequent loss of their trade, have the violators been reclaimed to the regulating principle. It may likewise, be assumed, that such agreements are "an interference between masters and workmen" at variance with freedom of trade. I deny that assumption to be correctly founded. On the contrary, I maintain, that the sanction of the legislature to any mutual compact of masters and men—if agreed to by the majority of both—would be strictly in unison with the principle of all law, and the decisions of this very House—which rule that the minority must obey the majority. Moreover, the Legislature has already interfered for evil by the imposition of enormous fiscal burthens on the petitioners, not adverting to the temptation thereby given to prefer the employment of untaxed machinery instead of taxed, and therefore, more costly, human labour. I may be, however, told that the continuance of such a system would be impracticable.—I answer, let the less than doubtful experiment be fairly tried. Again, it may be urged, that wages and prices would be raised to such a height, that not only would the export trade be lost, but foreigners would supply our own market. Justly may I contend, that such a result could not happen while prices were regulated by masters and men conjointly, for the imperative necessity of guarding against such an untenable rise would be obvious to both parties,—the weavers have expressly admitted that necessity. Their object is strictly confined to one simple purpose,—that purpose being to secure such wages as the manufacturer can pay, without impairing his sales, diminishing the demand of purchasers, or exposing himself to the competition of some rash adventurer or rival manufacturer, who seeks to force himself into the business, or into notoriety, although either without adequate funds or competent knowledge, and perhaps with no better motive than to revenge himself on a former master for refusing to accept him as a partner. Sometimes, a trifling dispute or misunderstanding, or ambition to be considered the first house in the trade, has induced even highly respectable manufacturers, (for the moment unmindful of the injury their unbusiness-like proceedings will ultimately bring upon themselves, their neighbours, and the whole population dependent on the hand-loom) to commence a career of ruinous competition, by selling at reduced and totally unprofitable prices. A case of this kind did, indeed, not very long ago occur—the price of weaving an ell of cloth was in ten or twelve days reduced from *7d.* to *3½d.*! What was the result? Not only did such folly create excessive misery to the workmen, but eventually it arrested, instead of increasing, the sale of the manufacturer's goods; because the usual purchasers not knowing to what degree depression might arrive, declined altogether from buying articles, the prices of which were not regulated by the slightest reference to value, but by the extent of loss each rival house could sustain. I do not think, that even the most ardent advocate of extreme free trade will say that such occurrences as these are desirable, or will hesitate to deny, that this depreciation was other than a waste of capital—putting aside all feeling of humanity. We see here the purchaser decline to buy, and we know that no consumer will take two articles of the same description, when only one is required. This is peculiarly the case in respect to muslins, the fair consumers of which will not expose their taste to criticism, by wearing dresses of a fabric out of fashion. No statesman can wish to see a large class of hardworking, intelligent men "goaded by reductions" so originating: he may condemn two coach proprietors who practise such a course of folly; he may think the expression of such sentiments sufficient. But he ought to do more than speak—he ought to act, where the welfare of the people, and the happiness of the working classes are at stake. It is his imperative duty to prevent the possibility of its existence. This lamentable ambition, lauded under the title of enterprise, may proceed from no higher source than an overreaching and mercenary spirit. The petitioners tell you, that this avaricious spirit exists, and that a destructive practice, emanating from such unworthy feelings, is in extensive operation. They implore you not to leave them a prey to it. They do not ask you to force their employers to give a price for their labour which their employer cannot, with adequate profit, afford, or the consumer pay; but they do ask you to foster their nascent efforts, to secure unto themselves as much remuneration as their labour fairly entitles them to, or as machinery and taxes will permit, and the alleged prosperity of commerce justify. In this request, let me remind the House, is conveyed a mark of confidence which it should not rashly impair, lest, like Mr. Pitt, these confiding sufferers may exclaim, "Our powers are at an end!" Did they ask to be relieved from all taxes on their industry, the fundholder, the civil and military and naval servants of the State might refuse them inquiry. Did they ask for free trade in corn, sugar, woollens, or banking, the landowners, colonial proprietors, manufacturers, and London bankers, who fill this House, might be opposed to their request. On the contrary, they seek to become contributors to the revenue, to invigorate the markets for agricultural, manufacturing, and colonial produce; and let me add, that neither Corn-laws nor protecting duties will give you remunerating prices, while the artizans from Coventry to Perth are restricted to half prices for their labour. They only ask the same protection for their property, which is labour, that you give to all other descriptions of property. Have you not increased the salaries of Judges, the pay of troops, and the value of money; fixed a minimum price of corn, and even on the fares of wherries and hackney coaches? Why should man alone be excluded from your system of protection? Alas! your very scheme of finance is based upon a principle hostile to his interest—as remarked by Adam Smith, excessive taxation (like the sterility of the soil, or the inclemency of the heavens) rendering man, like the field he tills, less productive to him who cultivates his powers of industry. For instance, let us look at the power-loom; this machine, with one person, is able to perform the work of three hand-loom weavers; but as the cloth made by it escapes two-thirds of the taxes levied on articles of subsistence, it gains a premium to that extent in its favour. This premium enables it to work at such terms, that the business of hand-loom weaving is overstocked, and inferior artisans, whose coarser fabrics it can produce, constantly seeking to press into the finer branches of the trade, are ever accessible to the artifices of gambling and reckless speculators. Yet, with that moderation, so remarkable in these men, they have not asked you even to tax machines so severely as you do men, though they had an undoubted right to do so! They put it to your sense of justice, whether you should not enable them to enjoy the countenance and sanction of the law, and to reap the benefit contemplated for them by a majority of the manufacturers, who have the feeling, wisdom, and sense of honour, not to wish their workmen to be depressed and goaded to despair by useless and reckless competition. Undoubtedly, those who live upon the taxes may exclaim, you will raise prices, and our money will not command so much muslin for our families as they now do. I answer, that the value of your money has been nearly doubled, while the wages of these men have fallen more than one-half; and I am certain, that none of you have a wife or daughter who would not pay a reasonable price for their dresses, and scorn, that t should be moistened by the tears of a mother. Indeed, I am confident that there are few of our political economists who would not support this motion, could I but bring them to view the consequences of their preferring theory to practice, and machines to men. They lose the end by mistaking the means of promoting the wealth of the nation. It is not merely vast exports, or unlimited freedom of trade, that give greatness or happiness to empires. It is freedom from degrading poverty,—freedom from its consequences, vice and crime,—freedom from that inevitable insecurity of property, disrespect for the law, want of attachment to the Government, and mutual distrust between the different orders and grades of society—I say it is freedom from these restrictions on moral and national grandeur, that alone can confer strength abroad, and happiness at home. I shall conclude, Sir, with stating, that there are among these petitioners many gallant men who have contributed to raise the glory of the British name—who have planted the standard of their country under Nelson and Wellington, wherever honour or liberty required it to wave. They have never hesitated to risk their life for their native land—they would still shed their blood in its defence; but they think it hard to pine in daily suffering—to see their wives and children losing health and virtue, and in vain imploring those decencies of life which even incessant labour cannot procure. They feel wounded by the apparent neglect of the nation; they think that an adventurous life should not terminate with the loss of independence in the gloomy precincts of a workhouse, on the degrading and demoralizing pittance of parochial alms! Let us tell them we will try to find for them here a less gloomy future, or enable them to emigrate to some happier isle in the watery waste—let us, in the words of their own Campbell, assure them,

> "That when the silent years have passed away,
> That when the eye grows dim—the tresses gray—
> These busy hands a lovelier cot shall build,
> And deck with fairer flowers their little field."

Mr. *James* seconded the Motion. Nothing could be more deplorable than the condition of the hand-loom weavers; but he did not think it was practicable to appoint local Boards of Trade to fix the price of weaving, without fixing the price at which the cloth woven must be sold.

Mr. *Poulett Thomson* assured the House, that none could feel a greater regret for the situation of the poor people than he did; but he thought it would be extremely unwise and improper to consent to the appointment of a Committee. It would be only leading to hopes on their part which could not be realized. The effect of the Motion of the hon. Member would also be the formation of local Boards of Trade, which would be most injurious. But besides these objections to the Motion, the late period of the Session constituted another. Before the necessary witnesses could be got up from Glasgow, and the Committee be ready to proceed with the inquiry, the Session would be so far over that inquiry could scarcely be commenced before the Parliament would be prorogued, and it would be discontinued. If it were early in the Session, he thought it would have been desirable to take up the subject, in connection with a general inquiry into the state of wages of operatives throughout the country. He trusted, that the hon. Member would not persevere in his Motion, but feel satisfied, that he had done his duty in having brought it forward. He (Mr. P. Thomson) could assure the hon. Gentleman, that Government would give the subject its best attention against next Session, with the view to a general inquiry into the state of the wages of operatives.

Mr. *Warburton* did not think, that a subject of this nature ought to be discussed with such a House (there were not fifty Members present), and therefore he thought the debate should be adjourned.

Colonel *Torrens* wished to ask the right hon. Gentleman, whether he was to understand, from what he had just said, that the Government had resolved on instituting, early next Session, a general inquiry into the state of the wages of operatives throughout the country?

Mr. *Poulett Thomson* said, that he could not say, that a Select Committee would be appointed at the commencement of the next Session, to inquire into the state of wages; he had only said, that in his opinion it would be a desirable thing to appoint such a Committee, and that neither he nor those with whom he had the honour to act, were disposed to object to the appointment.

Mr. *Gillon* said, that as not only the comfort, but even the very existence of these poor people, might be said to depend on this question, it surely was not too much to ask for the appointment of another day for the discussion of the subject.

Debate adjourned.

HOUSE OF LORDS,

Friday, May 16, 1834.

Minutes.] Bills. Read a third time:—Court of Chancery (Ireland).—Read a second time:—Burning Land (Ireland).

Petitions presented. By Lord Calthorpe, from Holt, for the Repeal of the Malt Tax.—By the Duke of Hamilton, from Renfrew, for postponing the Consideration of the Ministers of Churches (Scotland) Bill for six Months; from the Handloom Weavers of several Places, for a Board of Trade, and for Relief.—By the Earl of Gosford, from a Presbyterian Synod in Ireland, for an Alteration in the form of the Oaths taken by Presbyterians; and by Lord Melford, for Renewing the Labour Rate Act.—By the Duke of Newcastle and Earl Fitzwilliam, from a Number of Places, for Protection to the Established Church.—By Earl Fitzwilliam, from two Places, for the Repeal of the Corn Laws.—By the Duke of Gloucester, the Marquess of Bute, Earl Fitzwilliam, Lord Calthorpe, and the Archbishop of York, from several Places,—for the Better Observance of the Sabbath.—By the Earl of Camperdown, from several Places, for an Alteration in the present System of Church Patronage in Scotland.—By the Duke of Gloucester, from Segrave, and other Places, against the Claims of the Dissenters.——By Lord Wynford, from Brighton and Tipton, against the Sale of Beer Act.—By Earl Fitzwilliam, from a Number of Dissenting Congregations, for Relief to the Dissenters.—By the Earl of Radnor, from three Places, for the Redemption of Tithes.

Warwick Borough Bill.] The *Lord Chancellor* could not avoid calling the attention of their Lordships to the state of the proceedings upon this Bill. They had been going on for nearly a fortnight, and had examined between thirty-five and forty witnesses, and there were upwards of 100 more summoned. At the same time a Bill had passed the other House, and was coming up to their Lordships, which would greatly facilitate the procuring of witnesses. It was of great importance to the honour and character of that House, and what their Lordships, on all sides of the House, he was sure desired, that no evidence should be given which was not strictly consonant with the established rules of legal evidence. The interruptions and discussions upon the subject, however, might be almost endless if they had not the advantage of knowing to what points the testimony of each witness was to be directed. He thought, therefore, that Counsel ought to let the House know briefly the points to which the evidence was to be given. It was by no means unprecedented to have an opening from Counsel for this purpose; and he thought it was not too late, seeing the magnitude of the evidence still to be given, to cause that course to be taken. This was done in the Queen's business. He did not mean to make any proposition; but simply to throw this out for the consideration of their Lordships. He should be glad to know what the noble Earl thought upon the subject. Such a course would not lengthen, but tend much to shorten, the proceedings; for having heard beforehand the scope of a particular witness's testimony, he should be able to judge more readily of the course of examination pursued, and to stop what was irregular.

The Earl of *Radnor* said, that although the noble and learned Lord had alluded to him upon this question, he took no more interest in this Bill than any one of their Lordships. He knew no more of the case than they did, or of the facts intended to be proved. With respect to the feelings of his noble friend, who had charge of the Bill, and was absent from the House in consequence of an accident which had just befallen one of his family, he could not speak. He could not undertake to give any opinion upon the proposal of the noble and learned Lord. He desired to see justice done, and that was all.

The *Lord Chancellor* suggested, that the better course would be, to submit at once a motion to their Lordships, to the effect that the Counsel for the Bill should be instructed shortly to open their case on the meeting of the House after the recess, and to point out with as much conciseness as possible the further evidence they meant to produce, without, however, touching upon the testimony already given; if their Lordships had no objection to this course, he would put the motion.

The Duke of *Wellington* thought, as the noble Lord (Lord Durham) who had charge of the Bill was not in his place, it would be better to postpone the Motion until it was ascertained whether or not he would concur in it.

Subject dropped.

The Irish Clergy.] The Marquess of *Downshire* presented a petition from the clergy of the county of Armagh and other parts of the north of Ireland, praying that the time for paying the instalments on the loans made to the Irish clergy by the Board of First Fruits for erecting glebe-houses might be prolonged; and setting forth, that they were reluctantly compelled to solicit this indulgence at their Lordships' hands in consequence of their incomes being withheld from them. The late Board of First Fruits had been authorized by the provisions of an Act of Parliament to lend certain sums of money to the Irish clergy for the purpose of enabling them to build glebe-houses. These sums were to be repaid by instalments, the amount of which was to be regulated by the value of each benefice, and for this accommodation six per cent interest was to be paid while the money remained in their hands. That amount was subsequently reduced to four per cent; but the petitioners being unable to obtain the incomes to which by law they were entitled, were not now able to pay either the reduced interest or the instalment due upon these loans. The Petition stated, that the incomes of the clergy at the time the loans were made to them were much larger than those they possessed at present. Their means had been considerably diminished of late years, and, owing to the opposition which was made to the payment of tithes, they and their families were now reduced to a state of great distress. They submitted, that their altered circumstances rendered four per cent too heavy a rate of interest for them to pay, and expressed an earnesthope, that their Lordships, taking into consideration the hardships they suffered, would be pleased to lower the rate of the interest and reduce the amount of the annual instalments which, under the provisions of the Acts of the 3rd and 4th of William 4th, they were called upon by the Ecclesiastical Commissioners to pay. The noble Marquess said, that it was a hard case to see gentlemen belonging to so sacred a calling, and who had received a University education, suffering the distress which these petitioners endured. Their case well deserved the attention of that House, and he entertained little doubt, knowing as he did the feelings of their Lordships towards the unfortunate clergy of Ireland, that the prayer of the petition would not be disregarded or remain unattended to.

The Earl of *Wicklow* could not allow the present opportunity to pass without recalling to their Lordships' attention the deplorable situation in which the Irish clergy were placed, and to declare for himself, that the relief which they sought was much more moderate than either their necessities required, or he had expected. They only asked that further time might be afforded to them for paying the instalments which had become due on these loans; and, under all the circumstances, he hoped their Lordships would not deny a request that was in every point of view so reasonable and creditable to the petitioners who had put it forward. If precedent were required to justify them in relieving the Irish clergy from these payments the Act of last Session would furnish that precedent. By that Act similar payments were remitted, and he thought the case which these petitioners made out was just as strong as that upon which the exemption to which he alluded was founded. The Board of First Fruits had the power of making loans for two distinct purposes, namely, to parishes for building churches, and to the clergy for erecting glebe-houses. These loans were to be repaid in the manner his noble friend had stated. By the Act of last year parishes were exempted from the repayment of the sums lent to them; and as the principle applicable to the grants made to parishes applied with equal force to the loans received by the clergy for building glebe-houses, he could not understand how, consistently with justice they could continue the payments in the one case while they remitted them in the other. Just let them for a moment consider what the situation was in which the Irish clergy were placed. They entered upon their livings under the impression that their incomes would be certain; that their rights would be as much protected as the rights of other persons; but what had been the result? Why, that, instead of receiving that to which they were entitled, they could get nothing, absolutely nothing, and were suffering the most unmerited distress. The measure now pending in another place would have the effect of causing a still greater diminution in their incomes. That measure would occasion a reduction of from fifteen to twenty per cent, in the revenue of each living, in addition to which the Act of the last Session imposed upon the clergy several other burthens that were grievously felt by them. It was really quite impossible for them to pay the instalments on these loans. The heavy expense which they incurred by endeavouring to collect their incomes was a circumstance which, among others, ought not to be forgotten; and if noble Lords would be at the trouble to consult the returns which had been laid before the other House of Parliament on this subject, they would be convinced, not only that the clergy of Ireland had much to complain of, but that it would be merely an act of justice to relieve them from this particular incumbrance. He, therefore, hoped that their Lordships would give a favourable consideration to the prayer of the Petitioners, and the ground on which his present appeal was founded was, that they would have an opportunity of inserting a clause in the Tithe-bill to effect that which was required of them, as that Bill had not as yet got into Committee. This was, consequently, the proper time for adding such a clause, and surely it was only just that something should be done for these petitioners. In alluding to this Bill he was bound to admit that it had his humble commendation. He did not speak of the details of the measure, but only of its general principle. It was the best and most rational measure which his Majesty's Government had brought forward; but even that acknowledgment was not saying much in its favour. He would, however, go a little further, and fully acknowledge that this Bill undoubtedly did contain some really wholesome provisions, and it was not therefore, without considerable anxiety and alarm that he viewed the delay which it had experienced in its progress. But he trusted that his Majesty's Government would not allow the Bill to be spoiled in the Committee; that they would not hearken to the dictation of faction; and, above all, that they would not abandon a measure which was likely to produce so much good in Ireland. He would not detain the House any longer, except to repeat the hope which he had already expressed, that the prayer of the petition would receive the attention of their Lordships.

The Marquess of *Lansdown* assured the noble Earl, that the Government would not abandon the Bill. The delay which had taken place, was not attributable to the Ministers, but to circumstances, and, had it been practicable to urge it forward with greater speed, steps for that purpose would have been taken.

The Bishop of *Derry* thought, that the petitioners were entitled to that for which they asked. Nothing could possibly be more reasonable than the indulgence they solicited; and when the situation in which they were placed was considered, surely the justice of giving an affirmative answer to their prayer must be obvious to every one of their Lordships. He rejoiced to find that the Irish clergy had had the good taste to place their petition in the hands of a noble Lord to whom they were so much indebted for the services which he had rendered to them, and, as they were suffering the most aggravated distress, it was to be hoped that their Lordships would grant them the trifling boon for which they asked.

Petition laid on the Table.

CHURCH REFORM.] The *Lord Chancellor* presented a Petition from the city of Aberdeen, signed by 2,500 persons, containing the same prayer as that which he had recently presented, signed by 48,000 persons, from Glasgow, for the relief of the Dissenters from the grievances under which they at present labour. The noble and learned Lord said, that having on the occasion of presenting the petition from Glasgow, gone at some length into the subject, it would not be necessary for him to trouble their Lordships with more than a few observations at present. He was of opinion, that all the grievances of the Dissenters ought to be redressed, and that all the burthens and disabilities under which they laboured ought to be done away with; and that every facility should be given to them respecting marriages, burials, and registration. It afforded him the greatest satisfaction to know that an hon. relative of his in the other House of Parliament, who filled a high office in the Court of Chancery, had brought in a Bill for the purpose of establishing a general registry of births, marriages, and burials, which would be equally beneficial to Churchmen and Dissenters; indeed he would say, that it would be more beneficial to Churchmen than even to Dissenters. At all events, however, it would remove one of the justly complained of grievances of the Dissenters at present,—their not having a legalized registry of their births and marriages. He was happy to find, that the Bill in question had received the support of his Majesty's Government in the House of Commons; and he trusted, that a long period would not elapse when they would have an opportunity of discussing the merits of the measure in that House, to which occasion he would reserve his observations upon it.

Petition laid upon the Table.

Non-Residence and Pluralities.] The *Lord Chancellor* then proceeded: Though he was a friend to the Established Church of the country,—a firm supporter of its just dues, privileges, and rights, he always had been a friend to reform in the abuses of that Establishment, as much as the petitioners possibly could be, whose petition had been just laid on the Table. He might differ from them as to what constituted abuses in that Establishment; but this he would say, that, let any thing be shown to be an abuse, and let an efficacious remedy be proposed for it, and none would be found a warmer supporter of the adoption of such a remedy than he. Though it might happen, that some of their Lordships and the Members of the right reverend Bench might materially differ from him as to the kind of abuses that existed, and the reform which they required,—though he was afraid that they did differ upon that point, yet he was sure, that when he said, that if abuses existed in the Church Establishment they ought to be speedily redressed, he only expressed a sentiment in which all the members of the right reverend Bench, and all their Lordships, cordially concurred. It was in consistency with these opinions, that he had to present to their Lordships two Bills, upon which he had consulted with the other members of the Government, and the object of which was, to correct what he believed were generally admitted to be abuses in the Church Establishment. One of those Bills was to prevent Pluralities, and the other was to prevent the Non-residence of the Clergy. The first of these,—namely, pluralities, had long been one of the greatest abuses of the Establishment, a source of weakness to it, and a never-failing ground of objection, on which all the enemies of the Church Establishment had been always ready to fasten. It was an evil which, in his humble opinion, was ripe for the sickle, which had attained such a magnitude that it should be cut down, and no longer allowed to mar the benefits of the Church Establishment. No one would say, that there could be a greater evil than that of pluralities. He would not dwell at present at any length upon the abuse of non-residence. It was an abuse which had crept into the Establishment since its separation from the Catholic Church, which Church knew of, and recognized, no such thing as non-residence. Non-residence, in fact, was contrary to the Common Law, and contrary to the spirit of the Canon Law; and it only existed in consequence of various dispensations granted, to allow persons not to reside. This abuse had led to two great evils,—first, to a variety of Acts of Parliament on the subject; and secondly, to the granting of dispensations upon no rational or consistent principle. The law said, that the clergyman should reside, and that if a dispensation for non-residence should be granted to him, it should be on the ground of some other office which he filled which rendered continual residence on his living impossible. Now, chaplaincies were by law cases for dispensation. There were a great many chaplains to noblemen, to the judges, to the Attorney and Solicitor Generals, to the members of the Royal Family, &c. Each of the Chief Justices had six chaplains; he (the Lord Chancellor) himself had six. They certainly could not therefore complain of the want of large spiritual aid; and it was their own fault if they did not benefit by it. But while the law intended, by limiting the dispensations for non-residence to such offices, to restrict them to the select few, those chaplaincies had so increased in number, that any one who could get a living could get in that way a dispensation for non-residence; and the consequence was, that that which had been originally contrary to law had become the law itself. These Bills, therefore, after reciting and repealing all the previous acts which had been passed relative to pluralities and non-residence, by a simple, consistent, and adequate enactment, provided, that the holding of pluralities and non-residence should not be permitted on the part of any persons holding ecclesiastical dignities. That provision was, perhaps, too ample; and, if their Lordships pleased, a special exemption might be introduced with respect to superior dignitaries in the Church, who, upon various grounds, such as the necessity imposed upon them of attending their Parliamentary duties, could not be expected always to reside on their livings. He was not so tenacious of that portion of the Bill, that, should their Lordships make an alteration in it to that effect, he would give it up; on the contrary, he would persevere in it. The Bill provided, that all rectors, curates, and other inferior dignitaries, should reside upon their livings, except for two months in the year, under pain of forfeiture of treble the amount of the value of the living for the time they were absent from it. The only dispensations granted to them by the Bill for absence from their livings were in the cases of sickness, in cases where they were called away to give evidence, and in cases where the sickness or death of any of their relatives, or some such necessity, produced a temporary absence on their part, It was also provided in the Bill, that the cause of their absence must be stated on the face of the dispensation when it was granted. Their Lordships would find, that this Bill, regarding Non-residence, had been drawn up with the greatest possible care; he would venture to say, with greater care than any Bill that had been brought forward for the last fifteen months. The other—the Plurality Bill—laid the axe to the root of the evil. It enacted, that no person should hold two livings, if one was above the annual value of 200*l.* It was provided, also, that where a person held a living under the value of 200*l.*, and where, therefore, he would be allowed to hold another in conjunction with it, that other should not be above the value of 100*l.* or 150*l.*; and that it should be contiguous to his other living, or, at all events, that the church in the one living should not be more than five miles distant from the church in the other. The exemption which he had stated was introduced into the Bill in order to meet the cases of those small livings, too many of which, he believed upwards of 4,000 in number, existed throughout the country. The principle upon which he went was, that, if a living was large enough to support a curate, he should be the rector of it, instead of his handing over a miserable 15*l.* or 20*l.* to a rector that did not reside. It would be said, perhaps, that the effect of this Bill would be to decrease the number of persons that would be educated for the Church. He pledged himself, that no such effect would follow from it. On the contrary, he was sure, that the same number would be educated for that profession when those regulations for putting an end to pluralities and non-residence should be put in force. The only exemption in the Bill was made in favour of prebendaries and canons, who would be allowed to hold small livings, not exceeding 100*l.* in value, in addition to their prebendal stalls and canonries. The noble Lord concluded by moving, that the Bills be read a first time.

Lord *Bexley* begged to remind the noble and learned Lord, that pluralities were a legacy bequeathed to us by the Catholic Church, that they existed to a greater extent before the Reformation, and that they existed at present in Catholic countries to quite as great an extent as they did in this. He begged to remind the noble and learned Lord of the fact, that Cardinal Wolsey held the Archbishopric of York and the Bishoprics of Worcester and Winchester, in conjunction with the high offices he filled at the time in the State. No man could more rejoice than he should at seeing an effectual remedy, not productive of injustice, applied to such an evil. He, for one, would give his best attention to the details of those Bills.

The Marquess of *Bute* was glad to find that Government had applied itself to these subjects, and he would give his best attention to both the measures. A Bill was introduced by the Archbishop of Canterbury, two years ago, on the subject of pluralities, and which was lost in the House of Commons. He had supported that Bill, though he did not think it went far enough; and he should readily support the Bills of the noble Lord.

The Earl of *Radnor* said, that he had also supported the Bill referred to by the noble Marquess, because it was an admission, on the part of the Church, of the existence of the evil. He certainly considered it, in no respect, a sufficient remedy for that evil; and it was lost in the House of Commons because it did not go far enough. He trusted, that the provisions of the present Bill would go much further.

Lord *Wynford* said, that, if the Bill should pass into a law, as far as property was concerned, the ministers of the Established Church would be infinitely below the sectarian ministers throughout the country.

The Bills were read a first time.

HOUSE OF COMMONS,

Friday, May 16, 1834.

MINUTES.] Bill. Read a third time:—Warwick Witnesses' Indemnity.

Petitions presented. By Sir EDWARD KNATCHBULL, and Lord EBRINGTON, from several Places, for the Amendment of the Sale of Beer Act.—By Mr. WALTER, from Wantage, for placing Licensed Victuallers and Retailers of Beer on the same Footing.—By Mr. HILL, from Hull, for Relief to the Polish Exiles.—By Mr. O'CONNELL, from Dublin, for the Repeal of the Spirits, Wine, and Beer (Ireland) Act; from the Law Students of King's Inn, for doing away with the Law which compels Irish Law Students to keep Terms in London before they practise in Ireland; from three Places, for the Abolition of Tithes.—By Mr. H. MORETON, from Bisley, for the Establishment of Local Courts.—By Mr. BAINES, from the Dissenters of Shipley, against the proposed Measure respecting Church Rates.—By Colonel WOOD, from Breconshire, for Protection to the Established Church.—By Mr. PEASE, from Durham, for an Arrangement with the Dean and Chapter as to Fines.—By Mr. WILKS, from a Congregation in Silver Street, for an Inquiry into the Causes of Drunkenness.—By Sir WILLIAM MOLESWORTH, from Penzance, for Triennial Parliaments; and from several Places, for the Repeal of the Septennial Act.—By Mr. DAWSON, from Leicestershire, against Church Rates.—By Mr. GASKELL, from the Political Unions of Wakefield, against the Punishment inflicted on the Venders of Unstamped Publications.—By Lord MORPETH, from Leeds, against Trades' Unions.—By Sir EARDLEY WILMOT, from the Dissenters of Birmingham, against the Church Rates Bill.—By Mr. EGERTON, from Gatley, for an Inquiry into the Causes and Extent of Drunkenness.—By Lord CHARLES RUSSELL and Mr. WIGNEY, from several Places and Congregations, for Relief to the Dissenters.—By Mr. SHAWE, from the Baptists of Broadlands Chapel, Meltham, for Relief to the Dissenters.

PORTUGAL—THE NEW TREATY.] On Lord Althorp moving, that the House at its rising do adjourn till Wednesday,

Sir *Richard Vyvyan* called the attention of the noble Lord, the Secretary of State for Foreign Affairs, to reports which were in circulation relative to certain acts of diplomacy affecting our relations with the kingdoms of Spain and Portugal. It was generally understood that a treaty had been entered into by the representatives of the Allied Powers of England, France, Spain, and Portugal for the settlement of the affairs of the Peninsula. By this treaty it was understood to be provided, that Spain was to be allowed to interfere in the affairs of Portugal, that France was to march an army into the Peninsula in case of necessity, and that England was to be also prepared with a fleet for the same purpose in case of need. And the object of this Treaty, it was further understood, was to oblige Don Carlos and Don Miguel to give up their respective claims to the crowns of Spain and Portugal in favour of the infant heiresses. Such being the reported substance of the stipulations of this treaty, it had been further stated, that the Spanish General Rodil had crossed the Spanish frontiers into Portugal, and that, in consequence some towns had ceased to pay allegiance to Don Miguel, and had gone over to Donna Maria. It was also further reported, that the treaty in question had not been agreed to with such celerity on the part of one or more of the contracting Powers as had been anticipated, and that it had been even returned by the British minister at Lisbon, unratified on the part of the government of Portugal. He did not wish at the present moment, to enter into any discussion on the course of policy which had recently been adopted by his Majesty's Government in reference to those matters, but would content himself with making three inquiries of the noble Lord, the Secretary for Foreign Affairs. First, whether such a Treaty as he had described had been entered into between France, Spain, Portugal, and this country, for the settlement of the affairs of the Peninsula? Secondly, whether any delay in the ratification of that Treaty had occurred at the Court of Lisbon, or whether any symptoms of dissent had been manifested at the Courts of any of the contracting Powers? And thirdly, whether the noble Lord had been officially informed of the fact of General Rodil having marched across the Spanish frontier into Portugal for the purpose and with the results he had stated?

Viscount *Palmerston* said, that he would follow the example of the hon. Baronet, and not enter into any remarks upon the various reports which had been in circulation in respect to the occurrences he had alluded to. With regard to the three questions of the hon. Baronet, he begged to reply, first, that he had very great satisfaction in being able to state, that a Treaty had been entered into between the four great Powers the hon. Baronet had named, relative to the affairs of the Peninsula, and that it had been duly signed by the plenipotentiaries of the respective contracting Powers. In stating this to be the case, he spoke with very great satisfaction, and, as far as he himself had been concerned in forwarding the negotiations, with some degree of pride. He would not now enter into the details of the Treaty in question, because, as soon as it was duly ratified, it would, of course, be laid before the House. Secondly, as to whether there had been any undue delay in the ratification of this Treaty, he begged to state, that three of the contracting parties had already ratified it, and that the ratification on the part of Portugal had only been delayed by reason of the forms attending such matters at that Court. That it would be satisfied, however, had been officially announced to him, and he hoped that, in a very few days, the vessel which bore the document itself would be in port. With regard to the third inquiry of the hon. Baronet, it was very true, that General Rodil had passed the Spanish frontiers, as had been stated; but he had done so with the full consent of the Portuguese government, and certainly not with the disapprobation of the Government of the country. The operation of his forces was exclusively directed to dislodging Don Carlos and his adherents from the frontiers of Spain; but he had been perfectly neutral in respect to the civil contest in Portugal. The Spanish troops had not united in any way with the troops of Donna Maria against the party of Miguel, though many most important towns had taken advantage of their presence to declare for Donna Maria. He had again to repeat, that as soon as the Treaty was ratified, it would be laid on the Table of the House.

Mr. *Baring* said, that, probably, on the meeting of Parliament after the holidays, the noble Lord would be prepared to lay before the House an authentic copy of the Treaty in question. Until that was done, further discussion on the subject would be a waste of time. He could not help remarking, however, that the neutrality said to have been observed by the Spanish troops in Portugal in the present instance was one of a most singular kind, considering that several fortified towns were taken from Don Miguel, and his adherents driven from them. He really thought, that the people of Portugal had had quite abundant opportunity of declaring for Donna Maria, if they felt inclined, without the presence of the Spanish general.

Viscount *Palmerston* begged to explain what he meant by the term "neutrality," and in reference to the conduct of General Rodil. He did not wish to lay any stress upon the word, but merely meant to state that, up to that period, no union had taken place between the forces of the two young queens. Of course, he did not pretend to disguise the fact, that the presence of the Spanish General had been of great assistance to the cause of the Portuguese government.

Sir *Richard Vyvyan* inquired whether the Spanish troops had entered Portugal before the above Treaty had been signed?

Lord *Palmerston:* Yes; but in consequence of an understanding between the respective governments.

The question of adjournment agreed to.

SALE OF BEER ACT.] Sir *Edward Knatchbull* rose to move the second reading of the Sale of Beer Act Amendment Bill. He would, on this occasion, he said, adopt his usual course of brevity, and detain the House but a short time. Though the subject was one of great importance, and one that excited the attention of the country, and called for loud and determined remonstrance from various parts, yet he should not attempt to add additional force to the remonstrances made, or enlarge on the subject, by dwelling on a detail of the evils it had produced. Last Session, a Committee, which sat a long time, was appointed to investigate the subject, and was of opinion, that a provision should be made to correct the evils of the present Sale of Beer Act. Every thing that transpired since—all the communications made to him, and to others (indeed the communications made to him were so multitudinous that he could not answer them)—the whole concurrent testimony of all parties—satisfied him that a change was called for, particularly in the interest of the labourers themselves. The morals and the comforts of the people were concerned in a reformation of the existing law. He wished, that the poor should enjoy all the advantages conferred on them by the Act in question, which was passed in the first year of the reign of his present Majesty. He wished only for a confirmation and extension of those advantages, making the operation of the Act what its framers intended. His Bill would, he hoped, have that effect, by preventing Houses being improperly kept. With this object in view, his Bill proposed, that the person applying for a license to open a beer-house, should produce a certificate stating, that he was a fit person to keep such a house; and also a certificate stating, that it was expedient that beer should be sold upon the premises. The latter certificate, he proposed, should be signed by six householders. With respect to another part of his Bill, it had been suggested, that the penalties proposed to be inflicted for violations of its provisions were too large. For his own part he did not think so; but if, when the Bill went into Committee, it should appear to the House, that they were too large, he would have no objection that they should be mitigated. With respect to the hours, it had been suggested, that the hours at which the beer-houses should close, ought to be the same at which the public-houses close at present. That would be, in his opinion, too large a privilege; but as that question did not materially affect the principle of his Bill, he thought it might be advantageously postponed for the consideration of the Committee. There was also a clause in the Bill, empowering the civil authorities to enter these houses at any time. These were the principal powers of the Bill, and, having adverted to them, he would move that it be read a second time.

Mr. *Fysche Palmer* said, whether it were proper or not that some new police regulations should be imposed with regard to the beer-shops, the enactments of the present Bill were quite uncalled for. He was prepared to contend, that, by the fourteenth clause of the existing Act, sufficient power was given to the Magistrates to put a stop to irregularities. Under that clause, the keepers of beer-shops were liable, if they permitted drunkenness in their premises, to a penalty on the first conviction, to an increasing penalty on the second conviction, and to lose their license, and be incapacitated from opening a beer-shop again on the third conviction. Yet, strange as it might appear, there was scarcely an instance since the passing of the Act in which the keeper of a beer-shop had been subjected to those penalties. Hon. Gentlemen might doubt it; but it was a fact. He supposed the Magistrates acted towards the keepers of beer-shops on the principle described in the vulgar saying, "Give them rope enough, and they will hang themselves." He had great objections to the Bill. By the very first clause it would annihilate all the benefits derived from the existing Act, towards which he might be excused for having some partiality, as he was one of its most anxious supporters and promoters. The object of that Act was to put an end to the monopoly enjoyed by the great brewers which had become generally complained of, and thereby to secure to the consumers of beer a better and cheaper beverage. The Act accomplished that, and, at the same time, a greater amount of comfort was secured to the labouring poor. Before the House consented to the second reading of this Bill, they ought to take into consideration two points. First, how it would affect the comfort of the labouring classes secured to them by the existing Act; and secondly, the sacrifice it would involve of capital that had been invested in the establishment of the beer-shops. The Act now in force had taken out of the hands of the Magistrates the power, and consequently the patronage, they before possessed. Such being the case, the general body of the Magistracy, and he regretted to say, he must even include many of his brother Magistrates, had entered into what was almost a combination—he might at least say, that they had come to a determination to destroy the Act. This Act was highly advantageous to the public, if not to the Magistrates. If a poor man had no fire at home, he went to the beer-shop. Yes, he went to the beer-shop, where, in a comfortable house, and at a comfortable fire, he sat for an hour and refreshed himself. The beer-shops, then, had been a source of great comfort to the labouring poor. He would ask the House whether, except under very aggravated circumstances, it was prepared to say, that all the money which had been expended in establishing these places of resort, should be thrown away? Even as regarded the revenue of the country, the Act had been beneficial. It had raised the price of malt 5*s*. per quarter, immediately on passing, and another 5*s*. per quarter since. The consumption of beer had increased, and both the revenue and the agricultural interest had been benefited by the Act. Was not that a reason of some little weight why the Act should not be altered? He repeated, that the present Bill was calculated to destroy entirely the Beer Act; to require six sureties rated at 10*l*. each would operate, in many places, as a complete prohibition to establish a beer-shop. He should, under this circumstance, move, as an Amendment, "That the Bill be read a second time that day six months."

Mr. *Warburton* said, he rose to second the Amendment. In confirmation of what his hon. friend had just stated, that from the first passing of the Act there was a determination or combination on the part of the Magistrates to defeat the Bill, he would appeal to the evidence given before the Committee by Mr. Bellingham, the clerk of the Magistrates of the county of Sussex, who stated, that within three months of the passing of the Act, from all the Petty Sessions, circulars were sent round to the parish officers, requiring from them reports as to the manner in which the Act had operated. Thus it appeared, that even so early the system of *espionage* was commenced, and persons under the influence of the Magistracy were encouraged to find defects in the Act. Was not this a strong proof in confirmation of the statement of his hon. friend? If any one looked into the Report of last Session on the Beer Act, they would see with some surprise, that of the witnesses examined, there was scarcely one of those persons interested in maintaining the cheap sale of beer. Why were not some of the consumers called? Was it proper to examine a majority of parish officers alone as to this point? Out of fifty-six witnesses, what did they find, there were thirteen Magistrates, one mayor, three Magistrates' Clerks, three police officers, three victuallers and retailers of spirits, and one proprietor of a beer shop,—one, mind, who described himself so, but who came, not from a country district, but a town. Some witnesses ought to have been called who were connected with the country districts, and able to speak to the convenience which the poor derived from the Act. It might surely have been expected, that a few of the labouring consumers would have been examined; but not one had been called. In the parts with which he was best acquainted, which were the towns, the Act had been productive of nothing but benefit. He observed, that the Magistrates gave as one reason why the Act required alteration, that the beer supplied by the beer-shops was bad; another reason was, that the excessive tippling which took place in them was in a high degree objectionable. Why, what inconsistency there was in all this! At one and the same time, the beer was very bad, and yet great quantities were consumed. There was another point which these same gentlemen appeared much to delight in. The beer, they said, should be home-brewed beer, and not that which the brewers supplied. Now, would the beer, if brewed at home, be better or worse? It was admitted, that the home-brewers could not compete as to expense with the public brewer. Inasmuch, then, as the public brewer could brew at a cheaper rate, was it not reasonable to conclude, that he would furnish better beer than the home-brewer could afford to brew. The contrary proposition was another of the numerous inconsistencies offered on this occasion by the opponents of the Act. It appeared to be desired to prevent the brewer from assisting in establishing beer shops; but the attempt would fail. Nothing was more general in this country than for those who were engaged in retail business to be backed by the wholesale dealers, who generally commanded the capital, and were anxious to employ it. If they rendered it illegal for the great brewer to supply the beer, he would advance the necessary capital under the pretence of supplying malt, which, of course, the home-brewer must consume. The opponents of the Act objected to what they called the tippling that resulted; but why did the Legislature sanction the establishment of such houses at all, if it were not with a view to an increased consumption of the article. Nothing could be more unequal in its operation, than the clause of the Bill now before the House, which rendered necessary the certificates of six rate payers to the amount of 10*l.* He would take the Return of the Poor-laws Commissioners as to the population of the parishes in this country. Out of 15,000 parishes, half had a population under 300. Now ought there to be required the same number of 10*l.* rate-payers to certify out of a parish in which there were but 300, as would be required from a large parish like Mary-la-bonne? But, in some of the smaller parishes, if they excluded the clergyman and excluded the Magistrates, and one or two of the principal farmers, where were the certificates to be obtained from? And be it remembered, such parties as he had named were not those who generally were very disposed to favour applications to establish such houses. Some of the witnesses examined stated, that there were parishes in which only five or six 10*l.* rate-payers could be found. The numbers might be insufficient, then; or, before a beer-shop could be established, every 10*l.* rate-payer in the parish must have signed a certificate. There was one clause of the Bill, to which he desired to call particular attention. It seemed to have been intended to make it a very stringent clause, but it would be found to be inoperative. It was enacted, that "if any person who was licensed should, with the intent to evade the provisions of the Act, permit any person to carry away any beer for the purpose of its being drunk in any other house, or in any tent, or in the open air, within the distance of 100 yards of such licensed house, the person selling the same should be subject to the penalties of the Act." He begged the House, especially to mark the words "with the intent to evade the provisions of the Act." "With the intent!"—How could the beer retailer know whether the beer was intended to be drunk within 100 yards of the premises or not? This provision would be just as ineffectual as was a similar clause contained in a former Bill.

Viscount *Howick* concurred in one part of the argument of the hon. Gentleman who had just sat down; and, also, in a part of the argument of the hon. Member who preceded him. He quite agreed with them as to the great advantages that had resulted to the public from breaking up the monopoly which was formerly possessed by the great brewers. In obtaining for the consumer a free and full supply, there was secured a great, he might say, an inestimable advantage to the labouring population of this country. But, at the same time, he must be permitted, though he did so unwillingly, to express his concurrence with the hon. Baronet opposite, who stated, that these advantages had not been obtained without there having resulted some very serious inconveniences. He had at a former period stated his feeling, that much of the mischief which was attributed to the beer-shops was occasioned by other causes, and by causes much more deeply seated in the social condition of the country, than the mere establishment of places to drink beer. But, at the same time, it seemed to him, that the evidence which had been received from so many quarters was too strong, and too completely concurrent, to leave any doubt that, if the abuses were originally to be traced to a deterioration of the morals of the people occasioned by other circumstances, this Beer-shop Act unquestionably extended that demoralization. He believed, therefore, that it was necessary that some means should be taken to check the existing mischief. They could not allow these beer-houses to continue to be made what they frequently were,—viz., brothels, gaming-houses, and places for the resort of the worst of characters. The hon. member for Reading said, if a necessity for legislative interference existed at all, it was to be attributed to the strange perverseness of the unpaid Magistrates, whose object was, to give the keepers of the houses rope enough to hang themselves; but he agreed rather with the hon. Baronet, who stated, that the defect in the existing law was the difficulty of carrying it into execution. There were offences which, in that Act, were sufficiently defined, and sufficient penalties were affixed to them; but the misfortune was, that these penalties were not enforced. The hon. member for Reading declared, that they were not enforced, because of this strange perverseness of the Magistrates, but the failure was surely to be referred to a different cause. However zealous the Magistrate might be — however sincerely anxious to put down abuses, he could not act with effect, except when information was given to him of the existence of the offence; and if they attempted to cure the evil complained of by remedying this, they would find themselves engaged in a complicated inquiry that would lead them far beyond the limits of the Bill. The want of some local machinery for carrying this law into full effect was felt, not only in this, but in a multiplicity of instances. What was every man's business was no man's business. No man incurred any responsibility by neglecting to lay an information for an offence—no man felt that such an omission was a fault. On the contrary, it was an unpopular office for any one to undertake the prosecution of offenders against the public interests. If, then, we waited for the cure of evils till this defect in the organization of the country was remedied, we should have a long time to wait. He believed, that something more immediate and more effectual was necessary. He next came to the consideration of what that remedy ought to be. It was admitted, that the various offences which might be committed by the keepers of beer-shops were provided against by the present Act; but it was notorious, that the houses were nevertheless, not properly conducted. What remained for them to do? There appeared to him to be no alternative but to adopt the principle of the hon. Baronet opposite, investing in the hands of those most interested in maintaining good order a discretionary power to prevent the opening of such houses, or their continuing them open, by persons who were notoriously guilty of the misconduct which had been imputed to the keepers of some of these houses. That was the main principle to which he understood the hon. Baronet to desire to obtain the assent of the House, and so far he entirely concurred with him. They ought not, however, to diminish the free supply of beer to the legitimate wants of the inhabitants of any district; and it was their duty to prevent the abuses at present complained of, to do which it would be necessary to place a discretionary power in the hands of the principal inhabitants of the parish. But when he came to the mode of carrying that principle into effect, there was a difference between the hon. Baronet and himself. He was as much averse to the proposition respecting the certificates, as the hon. member for Bridport could be. He believed, from the evidence which had been taken before the Committee of last year, that, to require certificates from six inhabitants, rated at 10*l.*, would, in a number of places, forbid the opening of beer-houses, however well conducted. In many parishes there were not six houses rated to that amount. There were still more in which the number did not exceed six, or eight, or ten. And there were even a much greater number in which the whole were under influences, or under the decided and immediate influence, of one or two individuals. The consequence, therefore, of this provision, as it now stood, would be to enable, in a great many parishes, one or two persons, from prejudice or caprice, to prevent either an obnoxious individual, or unexceptionable individual, from opening a beer shop, or from continuing one that had been opened. That would lead to a state of things not at all desirable. He feared, that a great destruction of capital would inevitably follow. He feared, that the loss of comfort which the labouring population would thus sustain—of comfort to which they had been now for some time accustomed—would provoke feelings that it would not be politic in the House to give rise to. He could not help thinking, that the object of the hon. Baronet must be to obtain, by means free from objection, the end he had in view. What he had to suggest was, to leave the original grant of the licences in its present state, and to give to the vestry of any parish, on complaint being made to them, a discretionary power of ordering the beer-shop to be closed, when it was notoriously necessary that it should be. The effect of this would be, to give the power into the same hands as the hon. Baronet proposed to place it in; but there would be a difference in the mode in which the power would operate. In granting licences, a man felt he was doing that which was voluntary—that there was not the smallest obligation on his part to issue the licence—that he was responsible to no law—not even his own conscience would tell him that he was doing anything improper in refusing to grant the licence. They could only expect men to sign the certificates if they were favourable; and that was too much to expect in some instances. But the very same individuals who would not actually co-operate for the opening of the house, if called on as honest men, to say whether, in their opinion, the beer house was properly or improperly conducted, would, in the majority of instances, give a fair answer. Entertaining these views, he proposed to provide, in place of the provision of the hon. Member, that six rated inhabitants should be at liberty to make a formal complaint to the vestry of any parish, that any particular beer-house was improperly conducted; and the vestry, on that complaint, should be empowered by a majority of two-thirds to order the license of that house to be cancelled. He hoped the House might thus obtain what was desired, in a manner not liable to those strong objections which attached to the proposition of the hon. Baronet. In large and populous parishes the provision he suggested, would, he believed, be a much more effective restriction, than that contemplated in the hon. Baronet's Bill. It was well known, how loosely people frequently acted in signing certificates of character. A man would do it for his friend almost without consideration. These certificates would, in general, rather prove that the person obtaining them, had six friends inhabiting houses in the parish, and paying 10*l.* a-year in rates, than that he was a proper person to be allowed to open a beer-shop. The course he proposed to himself on the present question was this; he would support the second reading of the Bill now before the House, and he should do so, in the hope that the hon. Baronet would concur with him in his views when they went into Committee on the Bill. He was encouraged in this hope, because they both agreed in the propriety of preserving a free trade in beer, and also, because the hon. Baronet was as anxious as himself to put down the existing abuses. He would once more repeat, that a strong opinion had been expressed in this House, that they must look to other and more effective means to eradicate that vice and profligacy which were so general in the southern parts of this kingdom. He trusted, that a measure now going through this House would do much to accomplish that object. They should put an end to this monstrous state of things, in which, not only were improvidence and vice exempted from the punishment intended for them by the natural constitution of society, but which inflicted the punishment due to those vices, on individuals who were the possessors of the opposite virtues. By the present system, the more honest and frugal labourer—because he was honest and frugal, and had accumulated a small sum of money, was condemned to pass his time in unwilling idleness. There were more instances than one, of labourers possessing means, being jeered at by their companions, who, addressing them, would say, "Ah, till you follow our example, and spend your hoard in the ale-house, you will never get work." That system, he hoped, would be put an end to, and in stopping it, they would cut up by the roots the improvidence and vice from which incalculable mischief sprung. He further relied on their pursuing the same great and beneficent end by instructing the lower orders; amongst whom, he hoped, they would spread, not that species of knowledge which was difficult of acquirement, but the more useful knowledge of their duties and true interests as members of society.

Sir *Edward Codrington* supported the Amendment. He knew, that in towns the Beer Act had worked well. In Devonport, the people had deserted the public-houses, and, after taking what refreshment they required, at these beer-shops, they went to the Mechanics' Institution. He would never consent to have the present system broken down, because it was supposed that a few evils arose from it in country places.

Mr. *Heathcote* would support the second reading of the Bill, but would not pledge himself to all of its provisions. He decidedly thought, that to put a stop to a full and free supply of beer, would be to injure greatly the agricultural interest. Since the present law had been in operation, the consumption of barley and malt had increased two-fifths. The hon. member for Reading had talked much of the comforts enjoyed by the poor man under the present law. He had said, that the poor man in the beer-house found a blazing fire, while he left at home a cheerless cold hearth. That might be very well for the man—but what became of the wife and the children? He denied, that that was a system contributing to the comforts or the happiness of the poor, which induced the man to leave his home. The object of beneficent legislation was, not to promote such a system, but to clothe the home itself of the poor man with comfort. Then the hon. member for Reading had talked about the Magistrates giving the beer-houses rope enough, so that they might hang themselves. He thought, that the hon. Member had taken rope enough, and fairly strangled his own argument. The hon. member for Bridport had objected to interfering with the law, on the ground, that the present law favoured home production and good beer; but surely, it was rather inconsistent in the hon. Member so to argue, as he wished to introduce molasses into the making of beer. He thought, the Bill had worked well in large towns, but that in agricultural districts, the law required alteration.

Lord *Ebrington* said, that if the measure were calculated to abridge the comforts of the poor man, he should be the last to support it; and it was with the same regard for the poor, that he supported the Bill at present in operation. But, though he would not abridge the comforts of the poor man, still the increase of drunkenness, and its consequent evils, called for some check. The noble Lord read a letter from a gentleman on whose veracity, he said, he could depend, stating that in the writer's part of the country, the evil of drunkenness had arisen to a fearful height. In some of the public-houses, the apprentices, both male and female, were accommodated with beds; that the employers could not trust their agricultural servants to take care of the cattle; and that the ploughmen were drunk in the fields, whilst their families were starving at home. It also added, that the number of improper houses had greatly increased. In this state of things, he would most cordially support the Bill of the hon. Baronet; who was, in his opinion, entitled to the thanks of the country for the paramount benefit it was calculated to confer.

Sir *George Strickland* said, that no person could be more desirous than he was, to check the evil of drunkenness, which all must admit was advancing with rapid strides. But, though as much opposed to the evil as the hon. Baronet, he questioned, whether the present Bill was the best mode of meeting and checking it. In his opinion, the best remedy would be, to subject public-houses to a stricter system of police. Was it fair, so recently after the passing of the Beer Bill, to interfere thus with the property of thirteen thousand persons; who, on the faith of that Bill, and never calculating on so quick an alteration of the measure, were induced to vest their all in business, which would be very much affected, if not destroyed, by the Bill before the House? In so short a period as three years, it was not fair to turn round, and say to those persons, "We were mistaken in our legislation—we are compelled to alter it, even though you and your property may be swamped by the change." If, indeed, the evil were so great as to produce an overwhelming necessity for legislation, there might be some excuse; but he must confess himself too conservative to induce people first to invest their capital in a certain way, and then turn round on them and say they must pay the penalty of an error not their own. Such legislation as that was not calculated to sustain the credit of the House. Another objection to the Bill was, that it was clumsy in its machinery. What was the object of taking the power from the Magistrates, and putting it into the hands of six ten-pound householders? Why, in large towns, any man, no matter who, could procure these; whilst, in less populous districts, there might not be so many ten-pound householders in the parish. The latter person, too—the man who resided in a thinly-populated district, —would be completely at the mercy of six or eight of his neighbours. This inequality in the Bill was a very severe grievance. There was another strong objection in the necessity of annual renewal imposed by the Bill, if six 10*l.* householders thought it "requisite." This was very vague. Now, he was one opposed to all descriptions of intoxicating liquor, wine, beer, or spirits; and, in his opinion, fermented liquors were by no means requisite; but still he would not think of preventing the opening of shops for the sale of them. The noble Lord (Lord Howick) proposed to vest the power in the parish vestry; but this was exactly the same as the 10*l.* householder proposition, as they were one and the same class. Let some measure be brought forward for subjecting this class of houses to a better system of police, and it would be found the best remedy for the evil. This would be a more useful mode than a return to the old licensing system. It was bad policy to press upon the beer-shops. It was but running down the small game, whilst the crying disgrace, the great and leading evil, of the gin-shops, where that destructive and nauseous poison was administered, remained untouched; and which were not only opened every day in the week, but also profaned the Sabbath with their unholy orgies.

Major *Handley* thought it would be a far better mode to revive the old system, with more stringent severity, at the same time investing Magistrates with enlarged powers. He agreed, that it would be an extreme hardship to those who invested their property in business, relying on the former Act, if the present Bill were allowed to pass. Many interests, which had grown up under the Act now in operation would be severely affected; and he remembered the same argument having been urged when the existing Act was under consideration. Legislation should rather be directed to the public-houses than the beer-shops. [The hon. and gallant Gentleman here read a table, showing a great increase of the former as compared with the latter.] He protested against these so frequent alterations of the law; being of opinion, that bad laws fixed would be even better than these continual changes. The evil would, if means were adopted to improve the condition of the people, remedy itself. He remembered a regiment, which had been stationed for some time in the North of France, the soldiers of which, on being removed lower down to the wine-countries, were drunk every day. This continued for a month; but when the novelty wore away, the practice ceased. The practice of getting drunk was, at one period, not confined to the lower classes; and some gentlemen might remember the time when they thought it something to drink three bottles of wine. The labourer now thought there was some distinction in consuming a quantity; but it was to be hoped a better tone of society would succeed.

Lord *Sandon* was very much surprised to hear it asserted, as it had been in the course of the debate, that beer-shops had not increased to near the extent alleged. It so occurred, that he held in his hand a petition, which originated at a public meeting held in Liverpool, over which a gentleman intimately acquainted with the working of the Beer-laws had presided. At that meeting, almost all the speakers bore testimony to the fact, not only that beer-shops had increased to a frightful extent, but that the consequence of such increase was highly detrimental to the labouring classes of the community; and a very general wish was expressed, that the Legislature would at once interfere to abate the nuisance. As the subject had been already sufficiently debated, he would not take up the time of the House longer than to say, that he gave his most cordial support to the Bill. In some few respects modifications might be expedient; but still, seeing, as he did, in the measure the elements of the greatest improvement, he thought he was justified, not only in giving it his own support, but in calling on the House—if they entertained any respect for morality—if they entertained any respect for the good of the people—to pass it through the second reading, and give an opportunity for any alterations which might be requisite in Committee.

Mr. *Buckingham* spoke as follows:—Sir, if this were a question between the monopoly of the brewers and a free trade in beer, I should not hesitate to give my entire support to the latter. If it were a question between the sale of ardent spirits and the consumption of malt liquor, I should also give the preference to the last, as being the least noxious of the two. But it is a question between public convenience and public morality; and I cannot, therefore, for a moment hesitate as to which I should give my support. The hon. member for Reading (Mr. Palmer) eulogized the present system of multiplied beer shops, by saying, that they afforded, in their warm fires and pleasant beverage, a great comfort and relief to the labouring man; that was his description of their benefits. Sir, I heard this with as much pain as surprise, for it indicates a low tone of morality indeed, and a lamentable degree of selfishness in the labouring population of England, if their enjoyments are made to consist mainly in a comfort and relief of which they alone are the partakers, and of which their wives and families do not participate in the slightest degree. Nay, not only do they not participate in the supposed pleasure, but they are greatly injured by it; first, by the absence of the husband and father from his natural home, and next, by the expenditure of that which would make the home a scene of comfort to all, in the wasteful and useless dissipation of the beer house. If there were no other argument than this against the present system—that it drew husbands away from their wives, and fathers from their children, and made their homes comfortless by an expenditure of what belonged to all for the selfish enjoyment of one only among the number, I should deem this conclusive, and should, therefore, hail any measure which had a tendency to correct so great an evil. The advocates of the present system, who defended it on the ground of its affording increased comforts to the poor, ought, I think, to have shown, first, that the beer now supplied for their use was either better in quality, or cheaper in price, than that furnished by the larger public houses before these smaller beer-shops were established. They have not even attempted it, and if they had, they would have failed; for it is notorious, that it is the same great brewers generally who furnish the beer, as no small brewers can successfully compete with them, from the vast advantage which large capital affords to that process; and that the quality is not improved, or the price diminished in the slightest degree. To be sure the hon. member for Bridport (Mr. Warburton), was facetious enough in his endeavour to show that the two complaints made against the beer-shops—first, that the beer was bad in quality, and, secondly, that men got drunk upon it, were incompatible with each other, and could not both be true. But with all deference to the much greater experience of that hon. Gentleman, I must say, that I can readily believe them both. It is by no means necessary that an intoxicating drink should be good to ensure its consumption in large quantities; and many hon. Members who hear me, will, no doubt, readily admit, that the very worst wines find ample consumers; and that they often produce intoxication in a greater degree than wines of a better quality. Indeed my own experience would induce me to say, that they who are most choice in the excellent quality of their wines, are generally most temperate in the use of them; while, to the hard drinker, nothing that is strong, fiery, and intoxicating, comes amiss. The beer may, therefore, be very bad; and yet there may be great tippling and much intoxication from it nevertheless. I was somewhat amused by the sensation of surprise created by the observation of the hon. Baronet, one of the members for Yorkshire (Sir George Strickland), when he asserted, that he did not think fermented drinks of any kind at all necessary for health or comfort. It was a bold assertion, no doubt, to make in a country where beer seems to be held as one of the indispensable necessaries of life, where even the domestic servants seem to think that if the beer-barrel is exhausted, nature cannot be sustained, unless it be speedily replenished. But it has been my lot to reside for many years in countries where millions of people exist who neither use, nor are even acquainted with the existence of any fermented drinks whatever; yet, who for personal beauty, vigour, strength, health, and activity, far surpass the drunken portion of the population of our own country. But the present Bill does not go to deprive any man of the use of beer as a beverage if he wishes to have it. It merely seeks to prevent those congregational meetings for the mere purpose of drinking to excess, which the multiplication of these beer-shops has so much increased. If beer be really a necessary of life, and is so deemed by the labourer, he will surely account it no hardship to be obliged to send for it as for any other article of domestic consumption, and take it home to his own fire-side, where the presence of his wife and his children may add to his enjoyment. If he will not take this trouble, but values it only when drunk away from his home, then it is not a necessary of life to him, nor ought it to be deemed a hardship to place it under the restrictions proposed. Great stress has been laid by the hon. Baronet before alluded to (Sir George Strickland), on the destruction of property which this Bill will create; and, it is said, that after having three years ago encouraged the establishment of these beer-houses, it is too much to turn round so soon upon the parties, and annihilate the property thus embarked. But surely this is altogether a groundless apprehension. The property embarked is not to be touched; the sale of beer need not, indeed, be at all diminished, as far as its useful and wholesome consumption is concerned, for to all by whom it is sufficiently valued to be worth the taking to their own houses to drink, it will still be as accessible as ever. But if, by its consumption on the premises, drunkenness is encouraged, and vices of various other kinds promoted (and it is well known, that these beer-shops in remote districts are the nests of immorality in many shapes)—if the peace of society, the happiness of families, and the morals of the rising generation be destroyed, it is attaching much too high importance to the rights of property to set these up in opposition to their reform. When the law, permitting these beer-shops to be established, was first passed, it was done under the hope that good, and not evil, would be the result, and under the tacit and implied condition annexed to the passing of every law, "that it shall endure as long as public opinion shall approve, and as it may be found to be not incompatible with the public weal." But the moment that a greater mass of evil consequences are proved to result from the continuance of a law, than of good, from that moment it becomes the duty of the Legislature to apply a remedy to the evil; and even if some sacrifices of property were involved in the change, (and it is difficult to imagine any improvement to be made by change in the law, which must not involve some such sacrifices), the great and paramount interests of the health, the peace, and the morality of a nation, all of which are invaded by the present system, are of much higher moment even than the rights of property, though I think the one may be preserved without any essential violation of the other. One hon. Gentleman, indeed, the member for Boston (Major Handley), has so strong an objection to change, that he thinks, even bad laws when fixed are better than good ones liable to perpetual mutation; but though change without improvement is undoubtedly an evil, and though the rights of property ought to be respected, yet, believing that the changes proposed by this Bill will be a great improvement on the one it seeks to supersede,—believing that the rights of property will not be violated, and that public morality will be greatly promoted by its passing into a law,—I shall give my hearty and cordial support to its passing into a law.

Mr. *Rider* thought the proposed measure would, with some modifications, especially as to the licensing system, be a beneficial one. Many crimes had arisen from these beer-shops. The only incendiary fire that had taken place in the eastern division of the county of Sussex last year, or indeed, for three years past, sprung from one of these beer-shops, the criminal being the son of the woman who kept it.

Mr. *Plumptre* was quite ready to give his support to the measure introduced by his hon. Colleague, to whom the House and the country were, in his opinion, much indebted for bringing the subject under consideration. He would not say, that it might not be possible to improve the Bill in Committee; but, as far as its principle went—and with its principle alone the House had now to deal—he thought it would prove a very advantageous and important alteration in the existing system. He quite agreed with the hon. member for Sheffield (Mr. Buckingham) that the morality of the nation should be considered of paramount interest to the rights of individual property; but rather than allow any obstacle to interfere in the passing of the present or some similar measure, he would be ready to vote for a grant of public money to remunerate those parties whose property was likely to be affected by its enactment.

Lord *Granville Somerset* wished shortly to state the grounds on which he felt most anxious that the second reading of the Bill should take place. It had been his fate to take part in the discussion of the Bill, to amend which that under consideration was introduced, as also to have been a member of the Select Committee of last year, and from the acquaintance which those chance circumstances had given him as regarded the bearings of the Bill then in force, he did not hesitate to say, that its evils were mainly attributable to a want of sufficient attention on the part of the Magistracy to its clauses. He was however, bound in candour to say, that the impression left on his mind by the evidence taken before the Committee of last year was, that the powers vested in the Magistrates were not accompanied by those means of carrying them into operation which alone could render them effective. The principal of those means was an efficient police, without which it must be evident nothing could be done. In large towns the particular want to which he alluded was not so much felt, but in many of the agricultural parishes it had operated in a way to preclude almost altogether the success of the Bill. It appeared, by the Report of the Committee, that in those agricultural parishes the Magistrates, however desirous to execute the powers confided in them by the Bill, invariably failed, from the inability to procure that voluntary evidence which a system of police could alone secure. That being the case, it appeared to him most desirable that in those parishes where there existed no efficient police, more strictness should be exercised in the selection of persons to keep beer-houses. As far, therefore, as the principle of the measure was concerned, he was altogether favourable to it, and thought the hon. Baronet who introduced it was well deserving the best thanks of that House. With regard to the details of the Bill he thought it might be possible to suggest some alterations. He was of opinion, for instance, that it would be advisable to render a certificate for a Beer-shop where beer was not drunk on the premises unnecessary. He would not, however, enter upon the details of the present Bill in the present stage, and would conclude by simply repeating his intention of giving it his support, and expressing his hope, that it might be allowed to pass through the second reading.

Mr. *Ridley Colburn* thought, that the Beer Bill had done more to demoralise and disorganise the people of this country than any other measure with which he was acquainted. They had been told, that the establishment of the beer-shops would break up the monopolies of the great brewers, and at the same time, give to the working labourer cheap and good beer. What, however, was the result of that Bill? It had completely disappointed those who introduced it. Home brewing was scarcely found to exist, and, instead of breaking up the brewers monopolies, the beer-shops found their way into the possession of those brewers. Those beer-shops held out to the labouring man an inducement to spend his time and money in the worst of company, to the serious injury of his wife and family, and frequently led him to the commission of the most heinous crimes. He had heard those opinions expressed not only by Magistrates, but by farmers and other persons more immediately connected with the labouring population. That the evil existed there could be no doubt, and he saw no remedy for it but that of preventing beer being drunk upon the premises where it was sold. If this regulation were established, and properly enforced, he cared not whether they reduced the license to 10*s.* or removed it altogether. It should be remembered that when the Beer Bill was first introduced, this regulation was strongly recommended, and it was to a departure from that recommendation that the greater part of the evils which had arisen out of the Bill were to be attributed.

Lord *Althorp* would willingly support the second reading of this Bill, but he thought that it required some modifications; these, however, would more properly come under discussion in the Committee. He (the Chancellor of the Exchequer) had also been a member of the Committee alluded to by the noble Lord (Lord Somerset) opposite, who had, with so much candour admitted, that the measure had failed in its object. But it was the opinion of the Committee and of the Government at the time, that there ought to be no restrictions, and that the watchfulness of the police would restrain anything like impropriety. He supported that measure with the hope that it would succeed, but found by experience that he had been mistaken. This being the case, he was ready to take into consideration the measure proposed by the hon. Baronet (Sir Edward Knatchbull). He agreed with him in thinking, that a certificate might be necessary; but whilst he assented to this, he would not have the power of granting it so placed as to render it in many cases inaccessible. It was proposed by his noble friend (Lord Howick), that the vestry should have the power of taking away the license upon a proper representation by a number of parishioners. He was ready to coincide with the recommendation of his noble friend, although he thought that the powers already vested in the Magistrate to take away the license were sufficient, if they were enforced, but unfortunately they were not. A great many obstacles presented themselves to prevent their being carried into execution. First, there was the difficulty of obtaining evidence, then there was the necessity of search on the part of an officer; but certainly the first and greatest difficulty was that of being able to procure evidence of any alleged disorder. This of itself was sufficient to render some other mode of proceeding necessary. He had not been much in the country since the Beer Bill was passed into a law; but while he was there, he heard complaints made against these beer-shops by Magistrates, farmers, and other persons connected with agriculture, all of whom were anxious some parliamentary remedy should be applied. He himself felt the necessity of some remedy, and he was glad the hon. Baronet who introduced the Bill had taken the matter in hand, as there could be no doubt that, from his knowledge, ability, and experience, he would render the measure effective.

He admitted, that the question was one which ought to have been taken up by Ministers; but it was so surrounded with difficulties, that they could not easily make up their minds respecting it. He repeated, therefore, that he was glad the measure had fallen into such good hands, and he was perfectly ready to give him every assistance in his power.

Mr. *Richards* was glad to hear the noble Lord opposite agree to the second reading, and he hoped, that by the removal of some little objectionable points in Committee, it would be rendered effective. He thought, that if it was required that no houses should be licensed as beer-shops which did not pay a rent of 20*l.* a-year or upwards, or that they were to raise the license from three guineas to five or seven guineas a-year, it would be the means of preventing the opening of beer-shops by persons of bad character in low and obscure situations. He agreed with those hon. Members who thought, that some change in the law was imperatively necessary, and he should, therefore, support the second reading of the Bill.

Mr. *Roebuck* said, that as far as he could see, the same difficulty would exist in obtaining the information necessary to remove a license under the proposed Bill as at present; and how that difficulty was to be met the hon. Baronet had not explained. The Bill made it necessary to produce a certificate, signed by six householders, to obtain a license to sell beer; but what was to prevent six persons from combining to obtain such license for their own benefit? Besides, there were many agricultural parishes in which there were not more than six 10*l.* householders, and in some not so many. There was one suggestion which he wished to throw out to hon. Members in considering this question. There was a strong feeling abroad, that in legislating for the poor, the Members of that House were not actuated by very liberal feelings. He wished, that this feeling might be permitted to cool down, and not be continually fanned into a flame by new enactments. One of the grounds assigned for bringing in this Bill was an assertion, that since the present law had existed, there had been an increase of crime; but if this were the case, he denied, that there had been any proof of a connection between this increase and the establishment of beer-shops. A coincidence of events was not always cause and effect, for they very often had no reference whatever to each other. Crimes were not produced by beer-houses or by any localities, for if men were bent upon crimes, and could not congregate in beer-shops, they would even congregate in churches or churchyards rather than be deterred from their purpose. It was not the House that made the crime, for criminals could and would concoct their crimes, if deprived of all such places of resort. When beer-houses had been put under control or surveillance, crime had not been found to diminish. If they passed this Bill, they ought to place licensed victualler's houses under the same restraints and on the same footing with the beer-shops. But this they would not do. The licensed victuallers were, generally speaking, rich men, and their property was held sacred; but the poor beer-shop man must be made to suffer, because he was unable to protect himself. The poor man, then, would have a right to turn upon the Legislature and say, "You have passed by the faults of the rich man because he is rich, and you turn upon me, the poor man, and punish me because I am poor."

Mr. *Baring* said, that if they were not in that measure legislating for the poor man, then they were not discharging their duty. It was unfortunately the case, that the poorer classes of society were more addicted to drinking beer than any other class of the community, and they ought to be hindered from indulging in that wretched propensity. When Gentlemen talked of beer-shops being popular in the country, and amongst the labouring population, he denied the fact; and if inquiry were to be made amongst the honest industrious class of labourers, nine out of ten, if not a greater number, would be found opposed to, and complaining of them. The House had seen that evening a petition from 220 women praying the abolition of these beer-shops, in order that their husbands might spend their evenings with them and their families. It had been complained, that the beer-shops had run to disorder, because the Magistrates did not do their duty. But if they had done their duty according to the opinions of those who found fault with them; if they had directed the police and constables to pry into every corner, and to take up every irregularity on the part of the beer-shops, what, then, would be the outcry? Would it not be said, that they had acted with undue severity; that they oppressed the poorer classes, and deprived them of good and cheap beer? This would be the outcry of those who styled themselves the exclusive friends of the poor. The evils of these shops had now attained to such a height, as was proved by the concurrent testimony of almost all parties and persons, that the House was bound to inquire into and abate the nuisance. He thought it would be advisable not to touch the cities or large towns, as there the evil must be quite trifling. There might perhaps be some difficulty in deciding which were large towns and which were not; but this difficulty would be easily got over. Certainly there was no restriction which he should be unwilling to place upon beer-houses in low obscure situations, where they only became brothels and gambling houses. He would have the dealers in beer allowed to sell that article as persons retailed soap and candles, and other articles, as they did at present. By preventing the consumption of beer on the premises, they would force the working man to go home and share with his family that portion of his earnings which was their right. He certainly would vote for the second reading of the Bill.

Sir *Charles Burrell* observed, that the Beer Bill had been passed for two objects, both of which had failed—the one was, to get rid of the monopoly of the brewers, which had entirely failed, for the whole of the trade and the beer-shops had fallen into the hands of the brewers; the other was, to provide cheap beer for the families of labourers, which had equally failed, for very few of the families of labourers got any beer at all. He concurred with his hon. friend in the necessity of adopting some legislative measure to protect the poor man against himself.

Colonel *Williams* observed, that the hon. member for Bath seemed to think, that the drunkenness of the poor did not lead to crime. A crime itself, it produced every other description of crime. He was desirous to revert to that which had been originally intended—namely, that no beer should be drunk on the premises where it was sold; and if no one else proposed that, he would, in the Committee, move a clause to that effect. He was sorry to see that Englishmen had a great tendency to drunkenness. They were not only great beer-drinkers, but what was much worse, great drinkers of spirits. Unless this pernicious inclination could be checked, he was sure that any measures which might be devised for the amelioration of the condition of the poorer classes would be entirely fruitless.

Mr. *Lloyd* observed, that by the report of the Committee of last year, it appeared that the advantages of beer-shops in towns had prevailed over the disadvantages; but that, in the country districts, they had been productive of much mischief. As to the question, whether incendiaries had gone out on their work of destruction from the beer-houses or not, he thought it was foreign to the discussion. The evils lay deeper. Much of them might be traced to the degrading effect of the Poor-laws, as they were at present administered. They made men idle, and, through idleness and a loss of all self-respect, they became sullen desperadoes, to whom the preserves which many Gentlemen kept on the road-side afforded temptations too great to be always resisted; but when he said this, he was not insensible to the effects of the beer-houses, particularly in country districts. There was no doubt, that drunkenness had increased in towns and manufacturing districts, but this was not owing to the beer-houses, but rather to the great multiplication of gin-vaults, and to the temptations held out for the consumption of spirits. Much of this was to be attributed to the practice of paying wages late on Saturdays. People went to market late on the Saturday night; and while the beer-houses were closed at ten, the public-houses and spirit-shops were continued open to a late hour. They were filled by those who indulged in the use of poisonous liquors, compared with which the article sold in the beer-shops was good and wholesome. They drank this poison late at night, and remained the whole of the Sunday in a state of stupid bestiality. He thought it would be a good plan to adopt the recommendation of the Committee of last year, that all houses open for the sale of fermented liquors should be placed under similar regulations.

Sir *Edward Knatchbull*, in reply, said, that he was glad of the concurrence of the noble Lord (Althorp) in his Motion, which would ensure him the support of Government. If the Government had intended to take the subject up, he would not have brought forward any measure relating to it. He did hope, that the House would concur in the Motion, and give an opportunity of considering the question in the Committee. After adverting to the Magistrates in the county of Kent, the only Magistrates whose duties he knew much of, and defending their conduct from the attacks of the hon. member for Reading (Mr. F. Palmer), as he was sure that those Magistrates had righteously done their duty, the hon. Baronet said, that all agreed that some legislative interference was necessary. He did not pretend to say, that his Bill would accomplish all which might be done on the subject. He had received suggestions from several quarters to which, as well as to any that might be made in the Committee, he was disposed to give the fullest consideration. One thing he would beg to say, that nothing could have induced him to bring forward any measure on this subject, if he did not think that it would be for the benefit of the poor.

The House divided—Ayes 157; Noes 27: Majority 130.

The Bill read a second time.

Danish Claims.] On the Question, that the House resolve itself into a Committee of Supply,

Mr. *Parker* rose to submit the Motion of which he had given notice on the subject of the claims of certain British subjects on Denmark. An embargo was laid on all ships in British ports in 1807, and, among them, there were Danish vessels to the number of 320. This embargo was continued till after the bombardment of Copenhagen. The ships were afterwards adjudged prizes of war, and were sold; and the proceeds, to the amount of 1,200,000*l.*, were received by Government as Droits of Admiralty. Soon after this, a decree was passed confiscating all British property in Denmark, and directing, that all Danish subjects indebted to British subjects should pay the amount of those debts into the Exchequer at Copenhagen. It was for compensation for the losses sustained by the British merchants in that way that he now, at this distance of time, applied. A committee of British merchants had been appointed to urge the case of the claimants, and some correspondence had taken place between them and the Treasury. He did not say, that any direct promise of compensation was made, but certainly hopes were held out, that the case of the claimants would be duly considered. The subject was put off till after the peace, and the claimants waited till 1814. In the treaty of Vienna, a clause was introduced, that all property which had been sequestered but not confiscated, should be restored; but the property of the British merchants having debts due to them from those of Denmark, was confiscated by the decree of the king of Denmark to which he had referred. The debts were paid into the Danish Exchequer; and such was the depreciation of the currency that the Danish merchants got an acquittal of their debts on payment of two per cent on their actual amount into the Danish Exchequer—a fact, which could scarcely be credited, if it did not rest on unquestionable authority. This was a practice almost unheard of amongst civilized states; and that it was not considered legal was proved by the fact, that when an action was subsequently brought in the Court of King's Bench by a British against a Danish merchant, for the amount of a debt due to him from the latter, the Danish merchant pleaded that he had already got an acquittal from the debt by a payment into the Danish Exchequer; Lord Ellenborough would not admit the plea, and held, that the whole thing was illegal, as against international law. Now, having shown that the British Government had got ample funds by the sale of the Danish ships to satisfy all the claims of British merchants, he was bound to show, that the British claimants had not committed any *laches*, as the lawyers called it—that they had not abandoned their claim. He would show, that they had not. In the year 1817, Lord Bexley, who was then Chancellor of the Exchequer, came down to the House with the King's assent to a petition for compensation; but when he was asked when he would proceed upon it, he replied, that he could not proceed upon it immediately. Some negotiations then took place upon the subject, and Mr. Canning thought that he could do something for the petitioners. Mr. Shilleto had afterwards made exertions, but without success, to obtain compensation for the petitioners. Subsequently, Sir James Mackintosh had been intrusted with the task of laying the case of the petitioners before the House. On every opportunity, therefore, the claimants had enforced their rights; and if hon. Gentlemen would only read the excellent speech which that great and good man then made, they would see how difficult it would be for them, if they regarded the principles of justice, to resist making some compensation to the petitioners. Expensive as such a proposition might appear to be, the conviction of its justice had even extorted an assent to it from that great economist, the hon. member for Middlesex; for the hon. Member had distinctly declared his opinion to be this—that if there was no other way of making compensation to the petitioners, the House was itself bound to pay the money. He was sure, that if the House would only consent to investigate the case of the petitioners, it would be not only able, but also willing, to give them that compensation to which a committee, if a committee were appointed, should deem them entitled, on a fair consideration of all the circumstances under which their property had been confiscated. The hon. Member concluded, by moving, that a Select Committee be appointed to examine into the claims of certain British subjects to compensation for the book-debts due to them from Danish subjects confiscated by the Danish Government in 1807, and to report their opinion thereon to the House.

Sir *John Rae Reid* seconded the Motion, having been intrusted by parties with a petition on the subject, whose claims amounted to not less than 60,000*l.*

Lord *Althorp* said, that he did not intend to dispute the facts which the hon. Member had stated in his speech; all that he intended to do was, to show that it was not the duty of his Majesty's Government to agree to the proposition which the hon. Member had brought forward. He fully admitted, that, at the treaty of Kiel, due attention had not been paid to the just claims of these petitioners for compensation; and that, as the Crown had obtained large Droits of Admiralty by the very act which had led to the confiscation of the property of these petitioners, it was out of those Droits that they ought to have been compensated. It ought, however, to be recollected, that since the accession of his present Majesty, the Droits of Admiralty had been applied in a different way from that in which they were applied in 1814; and the claim of the petitioners was not now on the Droits of Admiralty as against the Crown, but on the people of England, who had not received the benefit of a farthing from those Droits. Looking at the question in this point of view, and seeing that none of the many Administrations to whom this application had been made, had acceded to it, and considering that the money to liquidate these claims was not now forthcoming, he could not consent, upon his own responsibility, to tax the people of England for the object which the hon. Member had at present in view. It was for the House to decide, whether it would or would not adopt the proposition of the hon. Member. He felt the hardship to which the claimants were exposed; he admitted the justice of their claims; but he could not, on that account, as a Minister of the Crown, consent to charge upon the people of England a claim for which they were in no respect liable.

Mr. *O'Connell* said, it was clear, that British subjects had been robbed by the government of a foreign country, because our Government had plundered its subjects. He considered it, therefore, the duty of the Government to see that these sufferers should obtain compensation. He should, therefore, support the Motion.

Lord *Morpeth* was glad to perceive, that his noble friend (Lord Althorp) admitted the justice of the claims; and there was, therefore, in his opinion, no alternative. The House was bound to grant a Committee.

Lord *Sandon* was of the same opinion as the noble Lord (Morpeth). He had known an opulent man reduced to beggary by this unjust confiscation.

Sir *George Strickland* had several constituents interested in the question, and he, therefore, would support the Motion.

Mr. *Warburton* thought it very wrong to leave British subjects, whose claims ought to have been protected, without any compensation for a loss which they had sustained, owing to an act of our own Government, which had enabled the Crown to appropriate to itself, as Droits of Admiralty, a sum of money amounting to more than ten times the value of that property which the Danish Government had confiscated.

Lord *Althorp* said, that after such an unanimous expression of the feelings of the House, it would be inconsistent with his duty to let it waste more of the public time in the discussion of this subject. The Government would be ready to take measures for the payment of the sums claimed as due to these petitioners. He suggested to the hon. Member, therefore, the propriety of withdrawing his Motion for a Committee, in order to allow the Government to consider what it ought to do. He had always felt it impossible to resist the justice of the claims of the petitioners, and he had great satisfaction in acceding to the suggestions of the hon. Gentlemen opposite.

Mr. Parker withdrew his Motion.

On the Question being again put, that the House resolve itself into a Committee of Supply,

COURT OF CHANCERY.] Mr. *Lynch* rose to bring forward a Motion which referred to the administration of justice in the Court of Chancery. The evils of that court, long as they had been complained of, still continued to exist. The measures which had been taken to remedy them had failed. The great delay, and the great expense in its processes, still continued. There was delay in the setting down of the cause; there was delay in the master's office; and there was delay in the course of hearing. The machinery of the court was imperfect, and therefore the whole system went wrong. His object was, to discover a remedy for it, and, by so doing, to benefit the suitors of the Court in which he had the honour to practise. Why should he introduce any comparison between the present Lord Chancellor and his predecessors? How should he better his case by showing that the present Lord Chancellor had heard more appeals than Lord Eldon, and that Lord Eldon had heard more original causes and bankrupt petitions than the present Lord Chancellor? Such a statement would only show that evils prevailed; indeed, they were of very long standing and continuance; they had been complained of in the reign of Henry 8th; they continued to the present times, and were complained of now. They had baffled the skill and penetration of Lord Keeper Cromwell; and he was afraid, that they would baffle the skill and penetration of Lord Brougham. The Legislature had interfered in the year 1813, and to remedy the evils so long complained of, had appointed a Vice-Chancellor. If there were any necessity for the appointment of any additional Judge at that time in Chancery, there was the same necessity existing at present. The amount of causes in arrear, in the Court of Chancery in 1814, was 214; at the commencement of the present term it was 308. After the passing of the Vice Chancellor's Bill, Lord Chancellor Eldon ceased to hear original causes; so, too, had the present Lord Chancellor. The amount of arrears in the House of Lords of English and Irish appeals and causes, was nearly as great now as it was in 1815. Then it was 57: now it was 49. The arrear of Appeals in the House of Lords was now nearly as great as in 1813, the diminution being only two. There was no arrear of business at present in the Rolls' Court. If it were asked how it happened that there was so great an arrear in the Vice-Chancellor's Court, and not in the Rolls, he replied, that the Master of the Rolls did not hear motions or pleas, on demurrers, but the Vice-Chancellor was burthened with business of that kind, consequently it could not be expected that the latter should be able to keep so clear of arrears. The Lord Chancellor had heard 230 appeals since he came into office. In one year, 1831-2, he disposed of 119, but, in 1832-3, he heard only 34; it being impossible to continue the exertions which he made in the former year. The number of appeals that stood for decision when the noble and learned Lord came into office, was 101; but he had reduced the arrear to something under fifty. The arrear of English and Irish appeals was of long standing, for the House of Lords was now only hearing appeals that had been set down four or five years ago. The learned Gentleman proceeded to instance various appeals which had remained unheard for periods varying from three to five years. Among other cases, he mentioned that of "The King, v. Roe." Mr. Roe was found guilty on an indictment,—he moved an arrest of judgment, and obtained a writ of error. He was imprisoned pending that proceeding, for a space of three or four years. Such a case of hardship could not have occurred if the cause had been heard within a reasonable time. A great mistake had been committed in 1813, when, instead of appointing a Vice-Chancellor, as was then done, Parliament should have erected an effective Court of Appeal. The professed object of creating the Vice Chancellor's Court, was to enable the Lord Chancellor to sit in the House of Lords, but the measure had a contrary effect, and kept the

Chancellor in his own Court, to hear appeals from the Vice-Chancellor's decisions. Besides, parties were enabled to bring on their causes by motions in the Court of Chancery. By both these operations, the Lord Chancellor was detained in the Court of Chancery instead of being able to hear appeals in the Lords. In 1824, a Committee was appointed to consider the subject of the Court of Chancery, but it was limited in its inquiries, which only extended to the consideration of what part of the Chancellor's jurisdiction could be taken from him with advantage, and what alterations could be made in the Court. A report was made, and Lord Lyndhurst, who was then Attorney-General, brought in a Bill founded upon it, with a view to carry into effect the proposed improvements; but the measure was not proceeded with. When Lord Lyndhurst received the seals, he effected the object of the Bill by orders framed for that purpose, and the result was, to expedite the hearing of causes. But Lord Lyndhurst fell into the error of his predecessors, and, instead of endeavouring to create an effective Court of Appeal, he endeavoured to increase the existing powers of the Court of Chancery. To effect this object, he brought in a Bill which passed the House of Lords, but went no further than a second reading in the Commons. Next year a similar Bill was brought into the House of Commons by Sir E. Sugden, and read a second time, when it was opposed by the present Lord Chancellor, and some gentlemen who now sat on the Ministerial side of the House. The ground of opposition was, that further inquiry ought to precede legislation, and the result was, that the Bill was lost. Lord Brougham succeeded to the seals in Michaelmas term, 1829, and the expectations of the profession and the public were raised to a high pitch with respect to Chancery reform. The noble and learned Lord did not fall into the error of his predecessors as to the appointment of an additional Judge, but he committed the error of constituting a new court for the superintendance of cases of bankruptcy; being persuaded that the great panacea for all the evils complained of, consisted in the separation of the bankruptcy jurisdiction from the duties of the Chancellor. Acting upon this impression, Lord Brougham brought in a Bill, which passed the House of Lords, and came down to the Commons during the excitement of the Reform Bill; by that measure, which finally passed into a law, the Court of Review was created. He did not hesitate to say, that that Court had altogether failed to accomplish the objects for which it was intended. The public had no confidence in the Court, and, consequently, it was without business. The want of business, however, was partly owing to the better footing on which commissioners of bankrupts were put. Nothing could work better, and the improvement was entirely attributable to the present Chancellor. The subject to which he wished to call the attention of the House, related to the manner in which the arrear of the appellate jurisdiction of the House of Lords could be best disposed of. If the Lord Chancellor devoted his time to hearing appeals in the House of Lords, he must neglect the business of the Court of Chancery; and, *vice versâ*, it would take the noble and learned Lord 100 days to get rid of the Lords' appeals. The only practicable remedy for the inconvenience consisted in separating the duties of the Lord Chancellor sitting in the House of Lords, from the other duties of the office, which were to be discharged in the Court of Chancery. He might be told, that he was infringing the prerogative of the Crown in making such a proposition; but he denied, that the proposed change interfered with that prerogative. All that was intended was, that the Crown should not assign to a person duties which no man could perform. The Crown's prerogative would remain untouched: in the event of his plan being adopted, his Majesty might still raise the humblest individual in the profession to the office of Chancellor,—the only difference being, that the Chancellor would then have an opportunity of discharging his duties, which was not now possible. To talk of the House of Lords as being a satisfactory Court of Appeal, was a mockery; the system pursued there produced delay, expense, and dissatisfaction. With respect to English appeals, the House of Lords was a Court of Appeal from the Lord Chancellor, sitting in his chair in the Court of Chancery, to the Lord Chancellor sitting on the Woolsack in the House of Lords. As regarded Irish appeals, the case was not much better: causes could not be proceeded with in the absence of the Irish Chancellor, who could only give his attendance at the expense of the suitors in his own Court. Scotch appeals were to be made before an individual who probably did not understand a syllable of Scotch law, and would require to have a dictionary by his side to enable him to understand the legal terms made use of. From August to March, not a single appeal could be heard in the Lords. If the Chancellor gave up his time to the Lords' appeals, the business of the Court of Chancery would be neglected; if, on the other hand, he confined himself to his own Court, arrears would accumulate in the House of Lords, and next year Scotch appeals of two years' standing, and English and Irish of five and six, would remain to be decided on. He asked the House to separate the inconsistent functions of the Lord Chancellor. Let the Chancellor sit in the House of Lords as in a Court of Appeal, but let him not sit there alone—let him be attended by four of the best lawyers that could be found—an equity lawyer, a common law lawyer, a Scotch lawyer, and a civil law lawyer, and let appeals be brought before that Court from England, Ireland, Scotland, and the colonies. It would be said, he was making more Judges—very true; but he was willing to abolish the Court of Review, and that inconvenient Court the Judicial Committee of the Privy Council, which, while it professed to be a Court of Appeal, was at the same time a Court of original Jurisdiction. He would have the Chancellor to sit in the House of Lords accompanied by those four Judges, and to sit, not at intervals, but during the whole judicial year; he would have a distinct Bar for the Lords, and would suggest, that the costs of appeals should be placed on a different footing from the present. With respect to the Court of Chancery, look at those periods when the Great Seal was placed in Commission, and it would be seen that the business of the Court had never been more efficiently done than at such times. He contended that the public money would not be ill-bestowed in paying four Judges of Appeal, and relieving the Lord Chancellor altogether from the duties assigned to him in the Court of Chancery. The Lord Chancellor had now to sit as Chief Judge of Equity in his own Court—he was obliged to attend the Privy Council—to be present at Cabinet meetings—to consider the Recorder's Reports—to look over various documents specially on the part of the Crown—to sit in the House of Lords on Appeals, and to act as Speaker of that House. Was it possible for any human being to perform all those duties satisfactorily? He thought not, and would, therefore, separate the functions of the Chancellor which were to be executed in the Court of Chancery from the duties assigned to him as Speaker and Judge of Appeals in the Lords. It might be necessary to consider whether or not there ought to be an intermediate Court of Appeal, and whether the Court should consist of one Judge or of more than one. He objected to such a Court being composed of the Judges of other Courts, and thought that an intermediate Court of Appeal ought to have distinct and separate Judges. But if the Committee should be of opinion that there was no necessity for such a Court, it might be well to consider whether the appointment of another Judge in the Court of Chancery would be necessary. He had stated the present arrear of business in the Court of Chancery, and referred to the exertions of the Vice-Chancellor, and the Master of the Rolls to discharge the duties assigned to them. He proposed, that the bankruptcy business should be restored to the Court of Chancery, and on that ground it would be necessary to have another Judge in Chancery, but the Committee could consider that point. There was an immense delay in Chancery between the period when causes were ready for hearing and the actual hearing. In the Courts of Common Law, a man who commenced his action in Easter Term might obtain judgment in Trinity Term; but the interval between the commencement and conclusion of a cause in the Court of Chancery was infinitely greater. Some of the delay might be unavoidable from the construction of the Court and the nature of the proceedings, but much of it was capable of being remedied. He did not mean to say, that a waggon and a buggy could be got to move with equal speed; but when the waggon was once put in motion he wished it to proceed without unnecessary stoppages. The suspense, delay, and expense occasioned by the present system were excessive; bills of revivor and supplemental revivor were occasioned by the decease of parties during a protracted suit. He knew of a case in which there were twelve different bills of revivor and supplemental revivor; and by all these circumstances the cost was greatly augmented. If the Parliament, however, with a view to expedite business separated the Chancery jurisdiction, they must confer increased power in order to effect that object, and appoint an additional Judge. Then, again, there was an immense quantity of litigation which arose from decrees not being taken down by the Registrar, but by Counsel, and he, therefore, should recommend, that the Judges should be required to deliver the minutes to the Registrars to be copied, in order to prevent disputes, and save time and money. Since by the Bill of last year, the Registrars and Clerks had been put upon fixed salaries, instead of being remunerated by fees, the principal inducement to labour was taken away, and the consequence was, that the business in the Registrar's Office was at one moment in a state of stagnation for a day or two, until an individual, to whose benevolent interference suitors were greatly indebted, came forward and took on himself the burthen of paying Stationers' Clerks, if necessary, in order that business might go on. The same objection applied to salarying the Masters in Chancery; no doubt those gentlemen would do their duty for the sake of their own characters, but their clerks would not make extraordinary exertions, and work eighteen or nineteen hours a-day as formerly, when they were remunerated for their labour by fees. Such a thing could not be expected, and the result would be less despatch and expedition in getting through business.

An *Hon. Member* moved, that the House be counted, and only thirty-five Members being present, the House adjourned.

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HOUSE OF COMMONS,

Wednesday, May 21, 1834.

Minutes.] Bill. Committed:—Justices of the Peace.

Petitions presented. By Lord Villiers, Sir Oswald Mosley, Major Weyland, and Mr. Lyall, from a Number of Places,—against the Universities' Admission Bill.—By Messrs. Philpotts, Blackburne, Ryle, Baines, and Harcourt, from a Number of Places,—against the Poor Laws Amendment Bill.—By Sir William Trelawney, Admiral Adam, Colonel Edwards, Sir W. Chaytor, Major Weyland, Colonel Leith Hay, Captains Wemyss and Boss, and Messrs. Frederick Shaw, Gully, Howard, Baines, and Ewart, from a Number of Places,—for an Inquiry into the Causes of Drunkenness.—By Sir Oswald Mosley and Mr. F. Lewis, from two Places,—for the Better Observance of the Lord's Day.—By Mr. F. Shaw, from Taney, against the Turnpike Roads (Ireland) Bill; from two Places, for an Inquiry into the State of the Irish Fisheries; from Clonmel, for extending the Lord's Day Observance Bill to Ireland.—By Mr. Fitzsimon, from two Places, for the Abolition of Tithes; from Leawnaghan, for the Repeal of the Union.—By Mr. Tancred, Mr. Hope Johnstone, and Captain Wemyss,—against Church Rates.—By Mr. Gisborne, from Ashover, for the Protection of the Established Church; from Chesterfield, for a Mitigation of the Sentence on the Dorchester Labourers.—By Mr. Ewart, from the Shipowners of Liverpool, for an Inquiry into the Constitution of the Trinity Corporation.—By Lord Norreys, from Bloxham, against the Statute Duties and County Rates.—By Mr. Cartwright, from several Places, for Relief to the Agricultural Interest—By Colonel Leith Hay, from Banff and Macduff, in favour of the Leith Harbour Bill.—By Mr. Hope Johnstone, from the Schoolmasters of two Places, for an Increase of their Stipend.—By Sir Charles Burrell, from Ash, for the Re-enactment of the Labour Rate Act.—By Captain Wemyss and Mr. M'Leod, from two Places,—for an Alteration in the Systnm of Church Patronage in Scotland.—By Mr. Vivian, from the Coroners of Swansea and Neith, for an Allowance for attending Inquests.

MERCHANT SEAMEN'S WIDOWS' BILL.] Mr. *Lyall* moved the Order of the Day for the second reading of the Merchant Seamen's Widows' Bill. He regretted, that a measure of such interest and magnitude should not have fallen into more able hands than his; and he would state, that the great object which he had in view was to transfer the *6d.* per month now payable out of the wages of Merchant Seamen to the chest of Greenwich Hospital, to the Merchant Seamen's Institution. He proposed that, on the ground that it was most unjust to tax a small and helpless class of the community for an object that ought to be provided for by the nation. But if they were to be so taxed, they would have a right to the relief which that Hospital afforded, though that was now denied to them. When Greenwich Hospital was first established, the original intention, he believed, was, that every seaman, whether of the King's or of the merchant service, who paid his contribution to Greenwich Hospital, should be entitled to relief from that institution. This original intention, however, had been swerved from, and the result was, that whilst the seamen of the merchant service contributed each his *6d.* per month to the chest of Greenwich Hospital, and whilst they were liable to be pressed into the King's service, they were excluded from any benefit from this institution. It was true, if a merchant seaman was impressed, and received a wound in the King's service, he had a pension or smart from the chest at Greenwich, but then he had that advantage as a seaman in the King's service, and not as a merchant seaman. As a proof that merchant seamen were most zealously excluded from benefit from the Greenwich chest, the hon. Member read a case in which a merchant seaman had lost his hand by the bursting of a gun; he being at the time acting under the direction of a King's officer, the captain of a frigate, for the protection of British property in Jamaica, he had been disabled for life, and yet had been refused any benefit from the Greenwich chest. He had understood, indeed, from the right hon. Baronet, the First Lord of the Admiralty, that a man having been in the merchant service, and being engaged in that of the King even for one day, became entitled to relief from Greenwich Hospital. Such, he had understood to be the case, but he could not find it stated in the regulations. The hon. Member read extracts from the Acts 7 and 8 William 3rd, and 1 and 2 Queen Anne, which stated the grounds upon which this fund was created, &c. In prosecuting this measure, he wished to declare distinctly, that his object was not to abstract one shilling from the objects of the Hospital. He did not wish to deduct 20,000*l.* from the Hospital without an equivalent; and he felt sure that, even the hon. member for Middlesex, rigid as he was in his ideas of economy, would sanction the measure, the second reading of which he had moved. This was the general feeling of those persons whom he had conversed with on this subject. Now, as he proposed to transfer the 6*d.* per month, at present paid out of the wages of merchant seamen to Greenwich Hospital, to the Merchant Seamen's Fund for the relief of widows of men who should die in the service, become disabled, &c., he thought he was bound to show, whether the institution in which he proposed to vest these sums was of a description to afford sufficient guarantee of its being a safe and proper channel through which to grant this relief. This institution was founded in the year 1742, when it was incorporated. For a long period it had been conducted under the management chiefly of the merchants, shipowners, and others of the city of London; and he much doubted whether there was a single charge incurred by this institution in conducting its business, beyond those for an office, the secretary's salary, and apartments. With regard to the offices of the Committeemen and Treasurer, their services were rendered gratuitously. He did not, however, wish to create any opinion founded upon his own feelings and impressions, and would, therefore, read the Act under which the institution was first founded. The hon. Gentleman having done this, declared that there could not exist an institution more unobjectionable than that of the Merchant Seamen's. It appeared from various statements referred to by the hon. Gentleman, we believe at Bristol, London, and other ports, that the relief which had been afforded, taking different periods, far exceeded the contributions received from the seamen. He begged to assure the right hon. Gentleman, that the sole object which he had in view was, to benefit the merchant seamen generally, and he hoped the House would entertain, with favour, a question in which 120,000 were deeply concerned. Another proposition contained in the Bill was, to enable the payment of all wages due to merchant seamen, and to receive which there were no parties authorised, to make such wages payable to the Merchant Seamen's Society. The hon. Member concluded by moving, that the Bill be read a second time.

Mr. *Hutt* seconded the Motion. He wished, particularly, to call the attention of the House, and more particularly that of the right hon. Gentleman (Sir J. Graham) at the head of the Admiralty, to the improvident manner in which the large estates belonging to Greenwich Hospital were disposed of. He was glad to find, that the right hon. Baronet had not attempted any of his former grounds of defence, and that the Motion was now resisted on the single ground of the deficiency consenting to the Bill, would create in the funds of Greenwich. The right hon. Gentleman had admitted, that an extravagant expenditure, to a large amount, had taken place in that establishment; and with economy, therefore, the 20,000*l.* might be spared. He gave his cordial assent to the second reading of the Bill.

Sir *James Graham* begged to assure the House, that he had considered this question with the greatest anxiety, as he was most anxious to afford every assistance to the shipping interest, which, he was ready to admit, laboured under considerable depression at the present moment. But, after the most serious attention which he had been able to give to the subject, he was bound to say (and in doing so he expressed also the opinions of his colleagues) that it was his duty to resist the second reading of the Bill. The hon. Member, who seconded the Motion, had mentioned what he had said in a private conversation with the hon. Member. [Mr. *Hutt* said, it was not in a private conversation.] It did not, perhaps, much matter whether it was or was not in a private conversation, but he was led to imagine such conversations as that alluded to, to be of a private nature. But be that as it might, he denied having ever made the assertion, that no less than one hundred and twenty thousand pounds of the money belonging to Greenwich Hospital had been jobbed away. He might, perhaps, have stated, that an improvident purchase had been made of property at Greenwich, with money belonging to the Hospital. But he had never charged his predecessors with a prodigal expenditure of that money, or with any thing like jobbing. It had been said, that the whole of the matter under discussion might be set at rest, and the object of the Bill attained, by making up the deficiency which it would cause from the Consolidated Fund. But, until the House came to such a decision (which he did not expect they would), he never could consent to take from the Hospital one-seventh of its annual revenue. The sum proposed to be taken away would amount to 22,000*l.*; which sum, if the Motion were carried, must be thrown upon the Consolidated Fund. He was of opinion, that the burthen, if such it was, at present rested where it ought to rest, because the merchant seamen who contributed to make up that sum were all likely to benefit by it in the long run. The hon. Baronet adverted to the Acts of the 7th and 8th William 3rd, and went on to observe, that here he would make use of the arguments of the hon. Member not in support of, but in opposition to, the Motion. The great object at that time, was to hold out an inducement to seafaring men to enter the King's service. He did not pretend to deny, that those who did not enter his Majesty's service were made liable to the tax, but it was part of the policy of the time to induce them by that liability to enter the service. The hon. Member, in introducing the subject, had made use of specious arguments, instead of placing it before the House in a true light. He had told them, that this Bill would afford relief to the merchant seamen. He joined issue with the hon. Member on that point, but denied his conclusion. The bill would give relief, not to the merchant seamen, but to the shipowners; for if the sixpence were to be remitted to-morrow, a corresponding reduction would be made in the wages of the men. But, taking it as a direct measure for the relief of the seamen, it imposed a tax upon those seamen. At present, merchant seamen paid sixpence a-month to the Merchant Seamen's Hospital, and sixpence a-month to Greenwich Hospital. By the operation of the hon. Member's Bill, they were made to pay a shilling a-month to the Merchant Seamen's Hospital. They would, therefore, not be benefited by the fraction of a farthing. Now, certainly, if the merchant seamen were relieved from the payment to Greenwich Hospital, it ought to be left to them to say whether they would pay the 6*d.* a month, which they had been accustomed to pay to that institution, to the Merchant Seamen's Hospital. The whole sum paid by the merchant seamen to Greenwich Hospital was 22,000*l.* a-year, and it must be remembered, that that sum was paid only when they were in full employment, and in active service. It was not true, that the merchant seamen did not receive any benefit from the sixpences which they paid to Greenwich Hospital. Of the 2,700 pensioners on Greenwich Hospital, 1,180 had served in the merchant service; 300 of them had served from thirty to fifty years each in the merchant service; and of the whole 1,180 who had served in the merchant service, the average rate of that service had been thirteen years. It was in the merchant service that they had been employed in the flower of their youth, and when they were most efficient; and it not unfrequently happened, that soon after entering the king's service, in consequence of rheumatism, or some other disease contracted in the merchant service, they were invalided, and obtained Greenwich Hospital. The measure which he (Sir James Graham) had introduced into the House for the registration of seamen, would, in his opinion, be attended with the most beneficial effects. It held out two inducements to merchant seamen to enter the King's service. In the first place, it provided that every seaman who produced certificates of good conduct, should be entitled to two tickets, admitting him, in the event of illness or accident, into any King's hospital in any part of the world. In the second place, it provided, that the merchant seaman should have a direct, not an indirect, interest in Greenwich Hospital; for it enacted, that if he should lose a limb, or suffer any equivalent injury in the merchant service, he should be admitted into Greenwich Hospital. This, he thought, would supersede the necessity of the hon. Member's Bill. It had been asked, why the 6*d.* per month had been continued to be taken from those who had only an indirect interest in the fund, while it was discontinued upon those who had a direct interest in it. His answer was, that it was held out as an inducement to enter the navy. It was said, that the revenues of Greenwich Hospital were sufficient to bear this reduction. The fact was, that 14,000*l.* had been remitted to the merchant service, which the Hospital used to receive from light-houses. The sum remitted on the North Foreland lights was no less than 9,000*l.* a-year. A reduction of 17,000*l.* a-year in the expenditure had taken place in Greenwich Hospital since he had taken office, notwithstanding which, the income of the Hospital was only 3,000*l.* beyond the ordinary expenditure. The income was 140,000*l.* a-year, and the expenditure upwards of 136,000*l.* a-year; and he believed that the House would not think a margin of between 3,000*l.* and 4,000*l.* on such an expenditure too much. If, however, the proposed Bill were carried, there would be no alternative but that of applying to his noble friend (the Chancellor of the Exchequer) to make up the deficiency of 22,000*l.* from the Consolidated Fund. Notwithstanding the able manner in which the hon. member for London had supported the Bill, he could not assent to it until he saw how an equivalent for the one-seventh of the fund of the Hospital was to be made up. He must, therefore, oppose the Bill.

Mr. Alderman *Thompson* thought it a hardship to impose this tax upon the most helpless, and, he might almost say, the most improvident, set of men, the merchant-seamen of this country. The right hon. Baronet (Sir J. Graham) had admitted, that the shipping interest was in a distressed state, and, therefore, supposing that they were to derive advantage from this Bill, it would be *pro tanto* a relief. But it would afford relief not to the shipowners, but the seamen. Besides, if those men were relieved from the tax of 6*d.* per month to a fund from which they expected no benefit, they would willingly volunteer to make up 1*s.* per month to the Merchant Seamen's Hospital. The right hon. Baronet contended, that the merchant seamen at present derived an advantage from Greenwich Hospital, but it was only the few who went into the King's service. The right hon. Baronet had also referred to a Bill of his, giving them the right to relief in the King's hospitals, when abroad, but, in fact, they had already that right; at least, such was the practice, though it might be difficult to find the Act of Parliament warranting it. Upwards of 900*l.* a-year was taken from the port of Sunderland alone by the tax, and he hoped this Bill would pass without any injury to Greenwich Hospital.

Dr. *Lushington* admitted, that the Chancellor of the Exchequer was bound to reduce the general taxation of the country to the lowest possible amount; but he did not think that the existing mode of raising the sum of 22,000*l.* for Greenwich Hospital equitable. His right hon. friend had said, that the payment of 6*d.* out of the wages of the merchant seamen was not a tax on the seamen themselves, but on the shipowners. If this argument were pushed to its full extent, it would be found that the shipowner did not pay the tax; it was the merchant, in the shape of an increased charge for freight, and eventually the consumer, who was obliged, in consequence, to pay more for the goods he purchased than he otherwise need do. Why, then, was this circuitous mode adopted, of taking the money out of the people's pockets? Why was it not at once taken out of the Consolidated Fund? His right hon. friend had opposed the Bill, on the ground that it would interfere with his plan to put an end to the system—the diabolical system, he (Dr. Lushington) must beg leave to call it—of impressment. His answer to that statement was, that the nation had no right to compel any portion of the King's subjects to perform services which it might obtain willingly by offering a fair remuneration; and he knew no object for which the people of this country ought more readily to pay their money, on the principles of interest and justice, than that of preserving the navy in an efficient state. His right hon. friend had said, that the merchant seamen derived advantage from Greenwich Hospital, and thought that if they were relieved from the payment of money to that Hospital, they should not be called on to subscribe to any other institution. The benefit, however, which they received from Greenwich Hospital was very partial, and not at all commensurate with the sums paid on their behalf; and with respect to the proposition of transferring the sixpenny payment to the Merchant Seamen's Hospital, he saw nothing unjust in it, because those who subscribed to that institution would exclusively derive advantage from it. For these reasons, he should vote for the second reading of the Bill under discussion.

Mr. *George Frederick Young* contended, that the right hon. Baronet had entirely failed in his argument against the proposition of his hon. friend, the member for the

City of London. As to the Act of William 3rd, on which the right hon. Baronet had so strongly relied, he (Mr. Young) maintained, that the Act was an unjust one, and that it was the duty of this House to redress the wrong committed under its sanction. It had been frequently admitted by many members of his Majesty's Government, that the unpopularity of a tax was always a valid reason for repealing it; and he would assure them, that with the merchant service this tax was obnoxious in the extreme, and therefore, on their own admitted principles, ought to be revised. Had it been a proper opportunity he should have presented a petition, signed by 2,000 seamen of North Shields, in which they prayed the House to relieve them from a tax which they stated to be most obnoxious to their feelings and inimical to their interests. The right hon. Gentleman said, that the repeal asked for would not be a boon to the seamen, inasmuch as they would pay the same amount to their own hospital. So much the better if they did —in that they had a substantial interest, whilst in Greenwich Hospital they had no interest at all. The other night the right hon. Gentleman, in his Civil Pensions' Bill, brought forward clauses which compelled the individuals affected by it to make some provision for the necessities of old age; and yet he met a proposition, which might have the effect of inducing the most improvident class in the world to provide for the future, in a totally different spirit. In the Bill to which the right hon. Gentleman had made allusion, though he certainly had not closely examined its provisions, he believed the privilege proposed to be given to the merchant sailors, in reference to Greenwich Hospital, was of a very narrow character—that it did not confer a title, but merely allowed them to be admissible. [Sir *James Graham:* It puts them precisely on the same footing as the King's seamen]. What, however, according to the arguments of the right hon. Gentleman, would be the situation of the seafaring men of England, in case of a war? For, according to him, the funds were barely sufficient for present expenses, and the outlay must necessarily be tremendously increased by the casualties consequent on hostilities. In case of a war, the claimants for succour and relief would be much augmented; and how would their prayer be met? By the answer, that the funds of Greenwich Hospital were already sufficiently burthened—that they were not equal to any greater pressure. Why, these claimants would at once be provided for out of the common funds of the State; and any Government would form a very erroneous idea—he would not say of the sympathies of that House, but of its sense of justice—which supposed there would be a moment's hesitation in voting whatever was just and right for such a purpose. He believed this impost on the merchant seamen had its origin in injustice, and that the House would not do its duty if it did not at once repeal it.

Mr. *Poulett Thomson* had come down to the House for the purpose of advocating the continuance of this payment, knowing that it was absolutely necessary for the support of the Hospital; but to his surprise he found, that there was no question as to subtracting the sum actually from the funds, but that the point urged was merely that this 22,000*l.* should not be taken from that identical interest which had hitherto been burthened with it. And glad was he to observe the tone of virtuous indignation with which the promoters of the Bill then before the House scouted the bare mention of a proposition for cutting off such an amount from one of the noblest of our institutions. Not one farthing did they wish to deduct from its means. So far, then, the question was satisfactory enough, but then it came to the point of arrangement between that House and his noble friend, the Chancellor of the Exchequer. He really thought, that hon. Gentlemen opposite were, to say the least, premature in their proceedings, in proposing the actual lopping-off of 22,000*l.* of income, without being prepared with a substitute. True, several of the advocates of abolition had expressed themselves willing to consent to a vote in a Committee of Supply equivalent to the amount of the sum which would be deducted, and for that he gave them credit; but still it would not induce him to consent to the Bill, which went much beyond the principle of reduction, inasmuch as it allocated this very amount of 22,000*l.* now paid to Greenwich Hospital to the Merchant Seamen's Hospital. But it was said, that the merchant seamen were not benefited by the payments they made—that they never had anything in return. [Mr. *Lyall:* Not as merchant seamen, certainly.] Why, what quibbling on words was that, after the statement of his right hon. friend, that even one day's service in his Majesty's navy gave a man a title to Greenwich Hospital! He really had very strong doubts in his own mind whether the merchant seamen would look on the abolition of the tax as any boon at all. If they liked to belong to the Merchant Seamen's Hospital, well and good; but he certainly was not in favour of forcing them. If the present plan were to be abandoned, in his opinion the most advisable course would be, to relieve the sailors at once from any payment whatever. Another objection he had to the Bill, was one in point of time, as he wished to see the Bill passed and in operation which had been introduced by his right hon. friend, and which gave the merchant seamen a title to the benefits of Greenwich Hospital before being called upon to assent to this measure. This, however, was thought by many to be of no great benefit to them. Was it no benefit, that by this Bill a merchant seaman, if in sickness, might at any port abroad where his Majesty had an hospital, demand succour and relief as his right? By agreeing to the Bill, the House would not only not relieve the merchant seamen from the amount now paid by them, but, what was worse, it might defeat those efforts to mitigate that which they all so naturally and so strongly disliked — the compulsory impressment of British sailors. He hoped, therefore, that the House would pause before assenting to the present measure.

Mr. *Ewart* could not see any reason for discussing the question longer when so little of argument was brought against the Bill. It would prove equally advantageous to the merchant and the seaman, and, being founded in right and justice, should have his heartiest support.

Sir *Matthew White Ridley* said, a promise had been held out, that the sixpenny payment would not be insisted on, whenever the expenditure of Greenwich Hospital should be sufficiently diminished, and its revenue derived from estates sufficiently increased to enable the hospital to do without it. The time had at length arrived, he thought, for carrying that promise into effect, and, looking to the condition of the hospital funds, he saw no reason for opposing the Motion of his hon. friend, the member for the City of London. The seamen of the town (Newcastle) which he had the honour to represent paid 2,000*l.* a-year to the Greenwich fund, and they paid 1,800*l.* to their own fund. Now, would it not be an immense advantage to those men to have this 2,000*l.* a-year paid to increase the fund in which they had so direct an interest, rather than give it to an hospital in which they had no interest? Under these circumstances, he hoped the Bill would be allowed to go to the Committee, when any part of it which might be deemed objectionable could be modified.

Mr. *Patrick Stewart* would support the second reading of the Bill, on the grounds that it would not create any material loss to Greenwich Hospital, and it would be an immense advantage to the merchant seamen. The funds of Greenwich were from 120,000*l.* to 130,000*l.* a-year, and that, he thought, was more than ample for 2,700 men. Why not do with Greenwich as with Chelsea—let the grant for it come annually before Parliament. We should then know the exact state of the funds provided for it.

Sir *James Graham* said, that considerable sums had been given up by Greenwich Hospital, amounting to nearly 20,000*l.* which it used to receive as dues for certain beacon lights.

Lord *Sandon* said, the question was, whether the merchant seamen should pay this tax for their own benefit, or for that of Greenwich Hospital. He considered it a hardship on the merchant seamen to be called upon to contribute to a fund in which they had no interest, or at best so remote an interest that they could not comprehend it. There was abundant evidence to show, that seamen would much rather pay this sum to an hospital fund from which they were sure to derive an immediate benefit.

Lord *Althorp* said, that the proposition before the House was simply this—to take 20,000*l.* from Greenwich Hospital and give it to the Hospital for Merchant Seamen, and then to supply the deficiency thus created to Greenwich Hospital by a charge on the Consolidated Fund. Now, would it not be a more simple and easy way at once to propose a charge of that amount from the Consolidated Fund for the merchant seamen? If such a proposition should be made, he was not prepared to consent to it. He was required day after day by hon. Members to reduce taxation, some wanting the remission of one tax and some of another. But how could the House expect him to consent to the remission of taxation, while it burthened the Consolidated Fund by fresh charges such as this Bill would create? Let the House recollect, that this Bill did not propose to relieve the merchant seamen from any deduction now made from their pay; it only gave a different application to what they paid. The merchant seamen had an indirect interest in Greenwich Hospital. On the whole he saw no case made out for the Bill, and he would, therefore, oppose it, and he hoped that the House would not consent to make this deduction from the funds of Greenwich Hospital until some provision was made to replace it.

Mr. *Lyall*, in reply, said, it could not be denied that the merchant seamen were called upon to contribute to a fund from which they obtained, as merchant seamen, no relief, while they were not allowed to contribute to a fund which they knew held out a prospect of relief to themselves or their families. As a proof of the benefits which might be derived from a merchant seaman's fund, he might mention a fact which he had heard since he came into that House—that, in the course of the last winter, 430 claims had been made on the Seamen's Widows' Fund, at Newcastle, in consequence of wrecks on our coast.

The House divided: Ayes 94; Noes 57—Majority 37.

The Bill was read a second time.

List of the AYES.

Aglionby, H. A.
Anson, Hon. G.
Attwood, T.
Attwood, M.
Baines, E.
Barnard, E. G.
Beauclerk, Major
Bell, M.
Bentinck, Lord G.
Bernal, R.
Bethell, R.
Blackburn, J.
Blake, M. J.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Byng, Sir John
Callaghan, D.
Cayley, Sir G.
Cayley, E. S.
Chapman, A.
Chaytor, Sir W.
Copeland, Alderman
Curteis, H. B.
Duncombe, W.
Ewart, W.
Ewing, J.
Faithfull, G.
Fenton, J.
Fielding, J.
Fleetwood, H.
Gaskell, D.
Grote, G.
Guest, J. J.
Gully, J.
Halcomb, J.
Halford, H.
Hall, B.
Hardy, J.
Harland, W. C.
Hill, M. D.
Hodgson, J.
Hutt, W.
Ingham, R.
James, W.
Jervis, J.
Johnstone, Sir J.
Lister, E. C.
Lushington, Dr.
Marjoribanks, S.
Marryatt, J.
O'Connell, D.
O'Reilly, W.
Parrott, J.
Pease, J.
Philpotts, J.
Plumptre, J. P.
Poulter, J.
Ridley, Sir W.
Rippon, C.
Robinson, G. R.
Roche, W.
Roebuck, J. A.
Rolfe, R. M.
Romilly, E.
Romilly, J.
Rotch, B.
Rumbold, C. E.
Ruthven, E.
Sandon, Lord
Scholefield, J.
Stewart, P. M.
Strutt, E.
Thicknesse, R.
Thompson, Alderman
Trelawney, W. L. S.
Trowbridge, Sir E.
Tullamore, Lord
Turner, W.
Tyrell, C.
Vigors, N. A.
Vincent, Sir F.
Vivian, J. H.
Walker, C. A.
Wason, R.
Whalley, Sir S.
Wilks, John
Williams, Colonel
Yelverton, Hon. W.
Young, G. F.

TELLERS.

Lyall, G.
Thompson, Alderman

PAIRED OFF.

Wigney, N.

DISABILITIES OF THE JEWS.] Mr. Robert Grant moved the second reading of the Jewish Disabilities Bill.

Major *Cumming Bruce* said. When a similar motion was made to this House last year, I felt it my duty to oppose it, and nothing which I have since heard has induced me to change the opinion I then expressed. The right hon. Gentleman has not condescended to state a single reason in its favour; and no consideration which I have been enabled to give the subject induces me to regard with less regret this renewed attempt of my right hon. friend to inscribe his name among the *Dii Minores* of liberalism. I shall not seek to occupy the time of the House by going over those grounds of objection which, on that occasion, I took the liberty of stating. My objections may be summed up in a single sentence. The Motion goes to unchristianise the Legislature of the country—to sweep away, as far as this House is concerned, everything like a national recognition of our highest allegiance—an allegiance to God, as the God and Father of our Lord Jesus Christ; and the principle of infidel recklessness which it involves, appears to me so very mischievous—so pregnant with danger and with evil—that, if I stood alone, I should certainly divide the House against it. Last year, Sir, I took upon me to predict that, whatever might be the fate of this measure in this House, the Crown would be saved, in its capacity of head of a Christian Church, from the insult of having such a Bill offered for its assent. I relied with confidence on the calmer wisdom, on the more grave deliberation, on the considerations of higher Christian principles by which, in another place, this measure would be weighed and found wanting. That reliance, Sir, I still entertain. In that other place, fortunately for the best interests of religion and of the country, the presence of the dignified clergy of the Church of England ensures to questions of this nature a more anxious and—I say it without any the most remote intention of disrespect towards any Member of this House—a more fitting consideration, than they are likely to receive in a purely popular assembly, composed of individuals of all modifications of religion, or of none. Such consideration is ensured, not merely from their being actually present, and from the part which they may be expected to take in the discussion of such questions, but also from that general higher tone of respect for Christianity as part and parcel of the Constitution, which their presence is calculated to maintain, even among the lay members of the other branch of the Legislature. In producing such effect, they fulfil the object of those great men by whom the Constitution was restored and perfected; who, in determining that the Bishops should sit and vote in the House of Lords, did not seek to render the Church political, as the prejudices of some, and the ill designs of others, may suggest, but to render the State religious, and, in so doing, to place our legislation on the only sure basis on which legislation can permanently rest—its intimate union with true religion. On that intimate union, on the force which it must exercise while it continues to exist, I rely for the rejection of this monstrous proposal —a proposal which goes to invest with power to legislate on the highest objects of legislation—the best means of upholding and promoting true Christianity—a sect, not of persons indifferent to its interests—that were bad enough—but a sect avowedly hostile to its very name, and the continued existence of whose religion depends on the success of their efforts to prevent that which it is the first duty of all Christian states to promote—the advancement and universal acceptance of the truth as it is in Jesus, when prophecy shall have its full and certain accomplishment—when every knee shall bow to him whom the Jews reject as an impostor, and every tongue confess that he is Lord, to the glory of God the Father. I say, Sir, if the subject were not one of the deepest seriousness, there would be, to my apprehension, something irresistibly ludicrous in this repeated folly of the right hon. Gentleman, by which he desires to associate with us in the duties of Christian legislation, a sect, whose very existence amongst us, as the professors of their peculiar creed, depends on the imperfect and inefficient discharge of our highest obligations. This measure so obnoxious to many conscientious men, has never been called for, or sanctioned, by any considerable portion of the people. I am aware that it is recommended to us by the representative of a great popular constituency, and that he was chosen by that constituency after he had declared his intentions respecting it. At the period, however, of his election, any thing which held out the promise of an extension of popular rights was received by such constituencies without much examination. The official duties of my right hon. friend have prevented him from seeing that great popular constituencies are again coming to their senses—that they are awaking to a sense of their duties as Christian men, and are no longer desirous of sacrificing all other considerations to the promotion of any innovation which might deck itself out in the colours of universal and irrespective liberalism. He thinks, doubtless, that he is acting in the sense, and according to the wishes of his constituents, while he thus keeps his hand in, if I may so express myself, by the continued cultivation of this little remaining corner of the ground of the old constitution of parliament, which still remains to be broken up. He has, indeed, been sanctioned and supported by the Government, and by a majority of this House; but when I look to the general results of those elections which have taken place since the general election, it does not appear to me that the support of the Government and of the majority by which it is usually upheld, affords any very certain indication of the general approval of the nation. I should be almost inclined to consider it as an indication of the very reverse; and if the feelings of the public, as far as I have been enabled to judge of them as relating to this question, did indeed influence the ministerial majorities, I should expect many conversions to be attested by the vote of this night; but it would, perhaps, be unreasonable to expect that the right hon. Gentleman should abandon the cultivation of the little barren and worthless corner,—barren and worthless, I am sure it will be, however skilfully cultivated, of any practical good result,—which he had almost succeeded in appropriating to himself,—on which he had almost effected a settlement; and if those whose duty it is to watch over the interests of the community, had not considered it of value as the last remaining proof of the right of that community to a tract of incalculable value and extent, they too might have allowed him, as far as practical results were to be apprehended, to go on undisturbed in his paltry encroachments. Fortunately they were aware of its importance; and whatever he may think of the wisdom of their consequent resistance of his appropriation, my own conviction is, that the great majority of the enlightened and reflecting portions of the community has approved and sanctioned their proceeding. Some petitions in favour of this measure have, I admit, been presented to the House, but they can be taken as expressing the opinions of only a very small minority of the country. I am ready to allow, that a minority of the British nation has, of late, raised the cry that religion and civil rights have, and ought to have, no necessary connexion; that a man's civil and social rights are altogether irrespective of his religious obligations; that the individual may, if so it please him,—if he will condescend so far,—in private recognise the force of those obligations, his dependence on his Creator, and the duties which that dependence suggests; but that nations,—the aggregate of individuals—are necessarily atheist, and that a vulgar error alone has recognized the title of King of Kings and Lord of Lords. I say a small minority has raised this cry, and faction and party have, for their own ends, echoed it, till the isle is frightened from her propriety. I very much doubt, however, whether even this minority,—among whom are many conscientious men—would consent to declare, by an act of direct legislation, that there was no difference between truth and falsehood, and that they were ready to dispense with Christianity as a necessary qualification for legislating for a Christian country. I very much doubt this even of that minority; but sure I am, that the great majority of the nation does utterly repudiate so monstrous a doctrine. Were it otherwise, then indeed I should despair of my country—then indeed I should fear that the glory was departing from her—then indeed I should apprehend that we might say of her what was said of an empire whose greatness has been trodden under the foot of the misbeliever—

Spent art thou, proud, imperial Queen of Nations,
And thy last accents are upon the wind—
Thou hast but one voice more to utter—one
Loud, dreadful, terrible,—and then art heard
No more among the nations.

But, Sir, I have brighter and better hopes. The Christian people of these kingdoms know, that by the Divine blessing alone nations prosper—that by the Divine forbearance alone, national calamities are averted—they know that it is written, " the nation which honoureth me I will honour"—and they refuse to recognise as nationally beneficial a principle which rests on a fallacy so monstrous as that a rational being can by possibility be placed in any circumstances or condition, can by possibility lay just claim to the enjoyment of any right, irrespective of the power by which all circumstances are controlled, and from which all rights emanate. The Motion of my right hon. friend rests, if it rests on anything, on the propriety of separating religion from civil rights, in so far as those rights involve the possession of political power. As well may you endeavour to separate the moral from the physical nature of humanity—as well expect the body to continue in the exercise of the reasoning powers, if parted from the soul. There is the madness of individuals, when the chain and the straight-waistcoat must bind down the unhappy maniac—when, under the most mysterious of individual dispensations, the soul seems to have fled before its time from the still animated tenement of the body, and when that ray of Divine light by which man may look up to the throne of God, seems quenched in a darkness more terrible than that of death. There is also the madness of nations,—and few of us are so young as not to remember the example of such dire calamity,—when a maniac nation,—too strong to be held by human fetters,—burst its bonds, and spread ruin and desolation around it. There, too, was broken the tie which connects the civil rights with the religious obligations of society. There, too, was quenched that ray of Divine light by which the nations might read the law of the great governor of nations; and, in the madness of her irreligion, France performed,—if I may be permitted to quote the words of an eminent Dissenter,—as on a darkened theatre, the first part of that fierce and fearful tragedy, of which we have but lately seen another and another act; and now, holding up to us the mockery of a constitutional Government,—that phantom of a mob-begotten sovereignty,

Which wears the likeness of a kingly crown,
But bears a blood-stained sceptre in its hand.

a power which tolerates, if it does not encourage the national irreligion,—she prepares for herself future, and still recurring calamities. I may be, and I dare say I shall be, taunted as illiberal,—laughed at as superstitious,—but my own entire conviction is, that her long years of disorganization,—her wars leading the stranger in triumph to her capital,—her revolutions driving away a despotism of imbecility, to establish a despotism of iron—her streets drenched with the blood of her citizens, who have sought,—ay, and will seek again, through all the atrocities of civil conflict, to use the power which raised, for the purpose of putting down her best of republics—I say my entire conviction is, that all these calamities flow from one source—the casting off her national recognition of God. We have but to follow the example of her liberality in matters of religion to share in its certain consequences. The Bill of my right hon. friend would, as it appears to me, be a very important step in the same direction, and I have not yet been able to discover such advantages in our existing close alliance with the monkey-tiger, as should induce me to be anxious that in this respect we should seek to draw more closely the ties of our present fraternization. Look, Sir, at the state of religion in France, and tell me the religion of individuals needs not the support and sanction of true religion by the State. I say of true religion, because that careless and indifferent system introduced, I believe, into that unhappy country by the Mahometan Buonaparte, which sinks all difference between truth and falsehood, and accords the support of the State to all sects alike, is, in my opinion, if possible, worse than no support at all. But I will not detain the House by entering on the discussion of that argument. We are told, that we have opened the doors of this House to men of all modifications of religion, and of none—that the Socinian and the infidel are already admitted within the portals of the Legislature, and that any danger to be apprehended from the few Jews who might find their way into this House would be as nothing compared to that instinct of destructiveness by which the former persons may be supposed to be actuated. Sir, I deeply deplore the fact of their admission. If any test could be invented which could reach and exclude them, it should have my cordial support; but it does not appear to me that, because we are already exposed to certain dangers and inconveniences, therefore we should be indifferent to their increase. That was, indeed, the doctrine laid down by the right hon. Gentleman, the Vice President of the Board of Trade, in discussing the question of the Corn-laws, who, when the right hon. Baronet, the First Lord of the Admiralty, in his able and masterly speech on that occasion, insisted on the danger to a great nation of allowing itself to become dependent on foreign, and perhaps hostile, nations for the supply of an article of primary necessity, replied, that such a ground might have been tenable and good while we were altogether independent of foreign supply, but that we had passed that point; that, to a certain extent, we actually were dependent; and therefore, that we were no longer in a condition—in fact, that we were precluded from considering the value of a condition—of absolute or even comparative independence. I say, the House will remember the tone of exultation and confidence which he assumed, when he announced to us this refutation of his right hon. colleague's argument. The House, however, did not go along with him in the adoption of a principle of such utter recklessness, and which, I am sure, can never be safely admitted as a principle which should be allowed to influence the legislation of a great country. If, then, Sir, we are in a condition, from circumstances difficult of control—and I admit, that they were full of difficulty—of having persons eligible to be returned to this House who it were better and more safe to have excluded—I can see in that no reason for extending the same eligibility to others, especially where, as in the present instance, a much greater sacrifice of principle is involved. But there is, in the case of the Jews, another ground of exclusion, and one on which, fortunately, we can act without raising any question affecting the rights of the natural-born subjects of the Crown. The ground to which I allude, is the fact of their being strangers and aliens amongst us. On a former occasion, last year, I endeavoured to state this ground of resistance to the present Motion, and I shall not now detain the House by going over, in other words, the same argument; but it does seem to me, that certain honours thrust on my right hon. friend—"some achieve greatness, others have honours thrust upon them"—in the shape of addresses of thanks from various bodies of foreign Jews for his exertions in favour of their nation, go far to prove that, with them, the lesser considerations of locality are altogether merged in the sympathies of an extended nationality. It was, doubtless, very gratifying to him to find himself be-praised and extolled in indifferent German or classical Hebrew, for the enlarged spirit of his comprehensive philanthropy; but it certainly showed, that, as far as the Jews were concerned, they would never be influenced by that exclusively British patriotism which—you may call it confined and narrow if you will—but which, as a qualification to legislate on British interests, above all on British religious interests, is, in my view, the only patriotism worth having. I say of the Jews, that their best energies—their warmest affections—their strong, abiding, undying love of country, in its highest sense, are away from this and every other land of their dispersion—that they look to the distant country of their past and promised glory—to the land of their sires—the inheritance reserved for themselves or their posterity—and that in our cold climes they remain submissive, but unwilling exiles. We are told, indeed, that they have fought in our armies—have bled in our defence. The Jews of Poland are cited as having been among the first ranks of her patriot armies. Why, doubtless, Sir, a noble and a warlike people—(and such their whole mysterious history proves them to have been)—would not sit still when the cry of resistance to oppression, and the trumpet of desperate contest sounded in their ears; but I am at a loss to find, in this, a title to participate in our legislative power. The Germans have fought for us—the Swiss have poured out their blood with desperate fidelity, in defence of the Governments which employed them—they have fought against numbers, and against hope; but was it ever pretended, on this account, to confer on the Christian German a right to participate in our legislative power? Did the Pope ever think of conferring on his heretic and faithful defenders, all the rights and privileges of the Catholic Italian? Never, in either case. The facts alluded to prove, that the Jews are brave and faithful, and actuated by the same feelings of gratitude, and neighbourhood, and friendship, as other men: they establish no pre-eminence. I, Sir, am proud and anxious to acknowledge their many excellent qualities; but I cannot show my appreciation of them by the sacrifice of the highest principle. If there be inconvenience, or loss, or oppression, to which they are subjected by the operation of any existing law—remove it. God forbid that I should seek to perpetuate, much less to aggravate, the weight of those mysterious sufferings by which they, as a nation, are surrounded as with a halo of calamity. In his own good time, the power which has afflicted will console and comfort. The promise of their restoration will have its sure accomplishment; but it needs not the trifling of this godless legislation to accelerate the period of its fulfilment. If my right hon. friend had come to ask for justice, I should join with him in the demand. I should say, "Give them all justice—ay, twice the sum;" but he is not content with justice—like "a second Daniel come to judgment," he pleads also for the forfeiture—and here I would beseech you let not—I will not say malice against this Christian Constitution—but let not a false liberality bear down truth. This bond of justice contains "no jot of blood"—but the forfeiture is for a pound of flesh to be cut off "nearest the merchant's heart"—and as it seems to me that the life-blood of the Constitution must be shed in its excision, I shall continue, by every means, and on every occasion, to resist the Motion now before the House. I will conclude, Sir, by moving, that this Bill be read a second time this day six months.

Mr. Halcombe seconded the Motion.

Mr. *Petre* said, that he should be ashamed of himself, and unworthy of a seat in that House, if he did not lend his warmest wishes, and give his cordial and best support, to such a measure as this. He supported it on the broad ground, that the religious opinions of every man, or set of men, should not be used as the means for his or their civil disqualification. The arguments which had been adduced by his hon. friend who had moved the Amendment against the measure appeared to him convincing reasons in its favour. The time was come when religious opinions should no longer constitute the principle of civil disqualification. Every one should be allowed to worship God as he thought best, and, provided his opinions did not detract from that loyalty which he owed to his sovereign, or militate against the interests of the State, there was no reason why he should be debarred from the enjoyment of those rights and privileges which were possessed by the rest of the community. We had no right to interfere with a man's religious opinions—to God alone he was accountable for them; and when coercion was employed, or civil disqualification was resorted to, on such grounds, it was neither more nor less than odious and unjustifiable intolerance.

Mr. *Poulter* agreed entirely with those who thought that no religious belief which was not inconsistent with the preservation, order, and peace of civil society, was a justifiable cause of exclusion from civil privileges, and that those who were favourable to the continuance of civil disabilities had the burthen cast on them of proving the absolute necessity of such further continuance. In the entire absence of what he considered any such proof, he should always give his humble support to this measure. All political ground of objection seemed wholly destroyed by historical evidence; and if history were indeed philosophy teaching by examples, we had only to follow with confidence its undoubted and assured experience. Hon. Members who opposed the Bill, complained of a want of nationality in the Jewish character, which was, in truth, solely attributable to our own degrading treatment of them. The instances of France, Holland, and the United States had exhibited and established the perfect competency of the Jews to perform the functions of either civil or military officers, and of becoming, to all intents and purposes, complete subjects of those States into which they were fully and honourably admitted. The objection which was more than any other urged against the proposed emancipation, and which was dwelt upon most forcibly by those who admitted the moral and social excellence of the Jewish people, was, that Christianity was part of the law of the land, and that this, as a constitutional principle, prohibited the removal of their disabilities. In looking at the true nature of this supposed principle, which was, strictly speaking, certainly nowhere to be found as a part either of the written or unwritten law of this country, it was observable, that the instances in which it had been referred to and relied on in modern times had been almost exclusively occasions in which the question had been raised by persons under prosecution,—whether insulting and disgraceful libels upon Christianity could be brought under the cognizance of Courts of Justice, and such attacks upon the religion of the country had been universally held to be punishable by the law. It might be therefore pretty confidently affirmed, that the modern familiarity and use of this expression had mainly been founded upon judicial dicta. It might also be practically true, as it was to be hoped that the institutions of a people almost universally Christian naturally partook of a character of Christianity. But on looking at the political history of this country, it was impossible not to see, that for a long period of years, and till very lately, the great object was to connect all participation in the Civil Government, not with the profession of general Christianity, but with the principles of the Established Church. This was the real union which was the theory and the object of the ancient system. The spirit of toleration, the diffusion of education, and more enlarged views, and an abhorrence of persecution, had annihilated this system for ever. The old cry was Church and State. It now was Christianity and the State. If all the Members of a Legislature could have agreed in religious opinions, it would undoubtedly have been a happy coincidence; but it was a good unattainable. There might be an anomaly in confiding the protection of institutions to those who were hostile to them, but the Legislature had determined most wisely to submit to that anomaly rather than incur a much greater evil. It was very easy now to say, that the sole objection was against those who were not Christians. It was a very politic argument; it suited the actual state of things. All other objections had been tried, and almost all had totally failed. This formed a species of support in the doubtful and divided feelings of the country on this subject. The arguments against those professing a different form of Christianity from ourselves were urged as forcibly and as anxiously as against the Jews themselves. What hostility could exceed that which once prevailed between different denominations of Christians? Indeed, it must have exceeded any other, if it were true that an approximation in religious belief increased the bitterness of religious animosity. What was the exclusion of the Jews, but the last remnant of an expiring intolerance? The best interests and precepts of Christianity were in conformity with this measure. To exclude from civil privileges without an absolute necessity, and for self-protection, was a species of indirect persecution, which was abhorrent from the spirit of the religion we professed. As friends of religion they were bound to abstain from that miscalled support and assistance which the religion itself utterly disavowed and disclaimed. It was of the essence of that religion to commend itself solely by its own intrinsic purity and excellence to the good feelings of the human mind. It would have been well for mankind if what had been called Christianity had been so in spirit as well as in name. In some countries it had borne a much greater resemblance to Paganism than to the mild principles of its divine founder. They might rejoice, that notwithstanding much error, it had not been so with them. It would be no excuse for moral crime that it had been committed in promoting the fulfilment of a Christian prophecy. They might leave Providence to the accomplishment of its own inscrutable purposes. Let them be content to follow the precepts of charity and of mercy—let them hope that an act of grace, by gradually removing that stubborn pride which was the most powerful motive that could reign in the human heart, even in matters supposed to depend upon mere abstract belief, might be the first step towards the ultimate conversion of the Jews to Christianity.

Sir *Daniel K. Sandford* said, that not having seen the Bill for the better Observance of the Sabbath, about to be introduced by the hon. Member who spoke last (Mr. Poulter), he would not say, whether there was anything about it of that Judaical character, which would account for the congenial feeling with which the hon. Gentleman advocated the pretensions of the Jews. But when that hon. Gentleman, and the hon. member for York, referred him to France, to Poland, and to America, for an example of religious toleration, he (Sir D. Sandford) must tell them that he would not turn to these countries, nor to any other as a model for Great Britain in legislative measures connected with religion. He would not resort to France, for she had too often held herself forth as the enemy of all religious principle; he would not go to Poland, for she, alas! had neither will nor constitution of her own; and he would not go to America, for he should ever contend that America, of all lands beneath the sun, afforded the worst, the most fatal example, on every subject that concerned the cause of Christianity. [*Cries of "Oh, oh," from Mr. O'Connell.*] He wished that the learned member for Dublin, who cheered that remark with so peculiar an emphasis, would give him a fair and speedy opportunity of meeting him upon the question, and he pledged himself to show, if America were to be adduced as the great argument for destroying all the safeguards of a National Church—he would prove from history, from experience, from the statistics of the Americans themselves, that they had little title to be blazoned forth as a pattern to the Christian world. It was no pleasing duty, especially in the present temper of the House, to rise there as the opponent of a measure which bore the semblance of religious toleration—but there was as wide a difference between the spirit of true toleration, and the false liberality of which this Bill was the offspring, as between the spirit of political freedom, of which the right hon. Gentleman and his colleagues had been so often the able and successful defenders, and that spirit of anarchy and political license, of which they were the declared, and he hoped would long continue, the decided enemies. He would resist the further progress of this Bill on the broad and simple principle, that this was a Christian country, that we had Christian institutions, that we had a Christian Legislature, that the sanctions of our laws were Christian, and that it became the Members of that House as the Representatives of a Christian people attached to those laws and institutions to do nothing to unconsecrate their character. Oh! but he was told that if he put the question upon the ground of Christianity, charity was a Christian virtue, and that charity called for the removal of the Jewish disabilities. He was not there to impeach the comprehensive nature of Christian charity; he recollected with a sensation of delight that exquisite enumeration of its gracious and beautiful conditions, which formed the most overwhelming passage in all the pages of inspired eloquence, and placed charity, as she deserved to stand, at the head of the whole catalogue of virtues. But charity had done her part towards the objects of the Motion before the House. The Penal Statutes had disappeared—the fires of persecution were extinguished—the chains of feudal tyranny were broken—and the Jew held his property, and enjoyed the protection of the laws, by as secure a tenure as the Christian. But he could not admit, that charity demanded the concession of political privileges—of political privileges involving danger to the character of our civil institutions. Why, could hon. Gentlemen deny, that whole classes of men were debarred, by the Constitution of this country, from a participation in political privileges? Was not the elective franchise restricted? Were not members of the sacred profession, if they belonged to the Established Church, men who made up their minds to enter holy orders—as the Jew, when arrived at years of discretion, made up his mind to abide by the creed of his forefathers—were not they prevented from throwing off their sacred garb, from entering at the bar, or rising to the judicial bench, or becoming Members of the House of Commons? And had not the Catholic subjects of his Majesty, for a long space of years, been excluded from a share in some of these political privileges. They had been shut out from such privileges as long as danger to the State could arise from their enjoying them. While the succession to the Throne was disputed, while the very independence of the nation was threatened, they had been justly so excluded; and had he (Sir D. Sandford) lived at the period when those dangers menaced the kingdom, he would have opposed the admission of the Catholics to political power, as vehemently as he had, in a humbler sphere than that in which he now stood, favoured and promoted it, when the changes to which he had alluded had disappeared. But the dangers to the fundamental character of our institutions, which were to be apprehended from the present proposal, were of a permanent nature, and could not be removed. He had no objection to rest the main force of his opposition to the Bill upon the eventual difference between these two cases—the case for the repeal of Catholic disabilities, and the case for the relief of the Jews. He perceived by the clauses of the Bill itself, and he had gathered from former speeches of the right hon. Gentleman and his friends, that they relied almost entirely on the pretended analogy between the claims of the Roman Catholics and those of these new Candidates for political privilege. But he would maintain, that there was no substantial analogy between them. This measure was a mere travestie upon the great measure to which it was represented as parallel. Jewish emancipation, as it was called, was nothing better than a parody upon the Emancipation of the Catholics. Look at the inherent, the irremovable distinction between the one case and the other. It was not true to say, that ours was a Protestant Constitution. There were, indeed, Protestant points, and those of great value and importance in the Constitution—a Protestant Monarch—Protestants in certain high offices around the Throne—but the chief glories of the British Constitution were anterior to the separation between Catholics and Protestants. Its foundations were laid deep and broad by the hands of our Catholic ancestors in some of the remotest periods of British history. By a Catholic nobility and a Catholic priesthood was wrung, from the hands of a despot the great charter of our liberties; and they must remount to still more distant times for the origin of its strongest bulwarks—trial by Jury, and the Representative system. He could not assent, therefore, to the proposition that our Constitution was essentially Protestant. But it was essentially Christian. Christianity was intertwined with the whole fabric of our institutions, giving to them stability and dignity, and to our laws a sanction and authority which nothing else could bestow. Now into the support of that principle, and into the veneration of that sanction, the Catholic could enter as heartily and warmly as the Protestant:—he adored the same God under the same attributes; he hoped for pardon through the same Redeemer; he looked for the same retribution; and he felt, notwithstanding some differences that need not then be particularised, the weight and influence of the same religious principles. But could all this be affirmed in like manner of the Jew? Did he view the Deity under the same relations, or trust in the same atonement—or derive the sanction of laws and government from the articles of a similar faith? Was it fair, then; was it common justice to the Catholic to set him, even in argument, upon the same level with the Jew? But, after all, what had been the strongest reason urged in favour of the Catholic Emancipation? Was it not political expediency? The illustrious Duke in the other House—the right hon. Baronet in the House of Commons—who had carried the measure of Catholic relief, gave great prominence to the argument of political expediency. But where was the expediency in the case before them? Where was the Jewish association, acting in defiance of law, assuming a power beyond the reach of control, and coercing the Legislature into a compliance with its sovereign decrees? Where was the Hebrew agitator? Where were the combined millions of exasperated Israelites thundering for admission at their doors? How often, in furtherance of the Catholic claims, had the numerical argument been employed? How often had they heard of seven millions of the finest peasantry on the face of the earth, and of their being fourteen to one in relation to the Protestants of Ireland? What! was he to hear of a similar proportion now between the Jews and the Christians of Great Britain? Then they must not have seven millions, but 196 millions of Jews, arrayed against the Christian population. But he believed that there were not 196 Jews in the country, who cared a farthing about the privileges proffered by this Bill. His hon. friend behind him was quite right in the distinction he had drawn between the devout, sincere Jews, and those Jews to whom this Bill would open an avenue to political honours. For the devout Jews, he (Sir D. Sandford) would acknowledge feelings of profound respect and sympathy. He sympathised with them in their pride of ancestry—an ancestry that laughed to scorn the proudest Christian genealogies—in their fond recollections of departed glory—in their bright hopes of its future restoration. But he had no sympathy with the Jewish worldling—the nominal Jew, who remained so in externals, for the sake, perhaps, of some financial advantage, or to maintain the credit of a commercial firm, the home of whose heart was not, like that of his religious countrymen, amid the hallowed scenes of Palestine; but in the prospects of professional advancement, or amid those benches, to which from beneath the gallery he might be casting the longing eyes of political ambition. He could have no confidence in a Jew of that description—dead to the hopes and aspirations of his better and nobler countrymen, and alive only to his own ambitious desires. Such a Jew was too likely to join, within that House, the ranks of the enemies of the Church—and, in his opinion, the Church had enemies there already more than enough. He was told, why not admit the Jew into that House, into which the infidel found an easy entrance. There might be infidels in that House—he hoped they were not many; but it was a curious argument to advance, "Here are already those who, upon principle, or from the want of it, must be inimical to the Christian cause, and therefore, by all means, let us increase their number." But if they had infidels within these walls, at least they were not open and avowed. There were none there who, on approaching that Table, had not come under obligations which they might indeed forget and abandon, but which they could not openly renounce without bringing on themselves the inevitable stigma of degradation and dishonour. Show him the man that would dare to rise in that House and proclaim himself a declared unbeliever. In that House did he say? Let him go to the last and lowest scene of disgrace and misery—where trembling guilt awaited the announcement of its doom—let him go among felons, and the companions of felons, where prisoners, and witnesses, and auditory, were too often marked with the foulest stains of contamination and crime, and even in such a presence as that let him try the effect of such a declaration. Let him go to the Old Bailey and avow himself an infidel. He (Sir D. Sandford) was conjuring up no imaginary vision; he was describing what had actually occurred; and even in that place of crime, and infamy, and punishment, the wretch who ventured upon an open avowal of infidelity, was driven forth amidst a storm of execration. Now, he would not assist to place upon the bench of that court a man who could not sympathise in such a burst of irrepressible honest indignation. He would not place there one who could have no respect for the sanction of the oaths administered before him—it would be an impious mockery to make a judge preside over the hourly administration of oaths, whose sanction he was bound, by his own tenets, to treat with abhorrence and disdain. And how, he might ask, would the effect be less revolting, if that House were to be opened to the avowed foes of Christianity? It was not often, perhaps, that an appeal was made within those walls, to the awful names, and the tremendous sanctions of a Christian's faith; but such occasions did sometimes intervene, and then it was felt, that the most sovereign of all arguments was urged, and the most resistless of all claims, to acquiescence. He could not endure to think that now, by the introduction of a monstrous novelty, the harmony of such impressions must be for ever destroyed, the unanimity of the feeling broken, and the glow of a high and just enthusiasm, if for a moment it lighted up the countenances of that assembly, must be slackened by the contemptuous sneer of Jewish unbelief. He saw indeed that, as far as that House was concerned, the minds of the majority were made up in favour of the measure; but he remembered with satisfaction, that it had to pass through the ordeal of another House, where he hoped that its final doom might be confidently anticipated. If, unfortunately, the verdict of that other House should not be against it, he should say, that the addition of that Bill, in the shape of a law to the Statute Book of England, would be the worst, the most uncalled for, and the most irrevocable blot that was ever cast upon her legislative annals.

Mr. *Buckingham* deprecated the allusion which the hon. and learned Gentleman, who had spoken last, had made to the case of the infidel who had been discarded from the witness box in a court of justice, upon the avowal of his principles; for, in his judgment, there did not exist the slightest analogy between such a case and that of a professor of the Jewish faith; on the contrary, the Jew was constantly received as a witness in both civil and criminal cases. He contended, that while the Jews in this country were not freed from taxation and other liabilities to national risks, they ought at least to be admitted to an equal participation in the rights and privileges enjoyed by their fellow-citizens.

Mr. *William Roche* said: I should consider myself either violating or forgetting that supreme and proud precept of Christianity, "Doing unto others as we would wish they should do unto us," were I not to give my sincere support to the measure now before the House, for relief of the Jewish people from the Civil Disabilities under which they labour, because of adhering (however erroneously, yet conscientiously) to the spiritual doctrines of their creed. Sir, as a Roman Catholic, so long kept in thraldom, so long oppressed by a cruel injustice because of respecting the dictates of conscience, I should consider myself doubly guilty and ungenerous, did I not hasten to strike off the chains of intolerance from every sect, and view civil rights as the meed of civil services; leaving the mind of man free and unshackled to adore and conciliate his God in the manner he may sincerely and purely believe to be most congenial with the will of the Deity. And, Sir, the more free the mind is left in this respect, the more easily relieved is it from preconceived prejudices, and therefore the more capable and willing to examine into and arrive at sounder and more sustainable doctrines. Persecution perpetuates error, and doctrines the most absurd, may be called into life and vigor, which, if left to their own weakness and instability, would soon die a natural death. Sir, I shall only add, that of all sublunary means (for we must leave the rest to God's own will and Providence), nothing is more likely to wear down the prejudices and pertinacity of the Jews, than permitting them to enjoy and intermingle with us in all the social and civil relations of life. With these sentiments, Sir, I shall give my cordial support to the Motion.

Mr. *Robert Grant* rose and said, that he hoped he should not be thought guilty of disrespect to the House, or to manifest any disregard to the subject under its consideration, if he declined to enter into any reply or argument upon it. He thought, that the House, at least the majority of the House, would have already perceived, that all that had been said on the opposite side of the House had done very little harm to the measure he had introduced. On the contrary, he thought (and he assured the House that he said it with profound and sincere regret), that such arguments as had been advanced against the Bill did no good to the cause of Christianity.

The House divided—Ayes 123; Noes 32: Majority 91.

List of the Noes.

Agnew, Sir A.
Ashley, Lord
Bateson, Sir R.
Blackstone, W. S.
Bulkeley, Sir R.
Burrell, Sir C.
Campbell, Sir H.
Duffield, T.
Dugdale, W. S.
Fleetwood, H.
Forster, C.
Gladstone, W. E.
Gladstone, T.
Halcombe, J.
Halford, H.
Hardy, J.
Hurst, R. H.
Lennox, Lord A.
Lowther, Colonel
Manners, Lord R.
Martin, T.
Maxwell, J. W.
Mosley, Sir O.
Norreys, Lord
Palmer, R.
Plumptre, J. P.
Rickford, W.
Ridley, Sir M. W.
Stormont, Lord
Villiers, Lord
Verney, Sir H.
Vyvyan, Sir R.

TELLERS.

Bruce, C.
Sandford, Sir D. K.

Paired off.

Hughes, H.
Sinclair, G.
Verner, Colonel

Observance of the Sabbath. (Bill No. 1).] Mr. *Hesketh Fleetwood* moved the second reading of his Lord's Day Observance Bill. The hon. Member said, that as the subject had so recently been discussed on the occasion of another Bill being before the House, it would be unnecessary for him to enter into any lengthened detail of the measure which he had introduced. The principles contained in the Bill, and for which he contended, were simply three,—namely, to prevent all process of manufacture on the Sabbath; the opening of public-houses during certain hours on that day; and lastly, to put a stop to all Sunday trading. The Bill would, however, leave every man to observe the Sabbath in any manner he might think fit; and would not, by any of its provisions, prevent any individual, should he so think fit, from spending it irreligiously. He repeated, that it would permit every man to dispose of the Sunday as suited himself, The objections which had been raised in another place against a Bill having a similar object could only apply to one clause of the present Bill,—a clause regulating the payment of wages, and make such payments void and recoverable by the workman from his master. He did not, however, stand upon that clause, though it contained nothing which would prevent the advance by a master of a trifling sum as a loan to his workman on Sundays, in cases of urgent necessity. The anxiety pervading the public mind for some legislative measure for the promotion of the observance of the Lord's Day was fully evinced by the number of petitions with which the Tables of both Houses of Parliament had been crowded,—a number greater than had ever been presented on any subject, excepting the question of West-India slavery. During the present Session (as we understood) no less than 1,273 petitions, bearing upwards of 277,000 signatures, had been presented on the subject to the House; thus showing a demand by the people which it was the duty of the Legislature to comply with. Under these circumstances, coupled also with the fact, that the Bill contained no provisions of compulsion as to the mode in which the Sabbath was to be observed, he trusted the House would consent to its second reading, after which he was prepared to propose, that it should be referred to a Select Committee should such be the wish of the majority of the House. At the same time, he must say, that the objections to the details of the Bill would be so few, that they could be well disposed of in a Committee of the whole House. He should, however, add, that he did not seek in any degree by this Bill to interfere with travelling or innocent amusements and recreations on the Lord's Day. The hon. Member concluded by moving, that the Bill be now read a second time.

Mr. *O'Connell* said, that it appeared to him, that the hon. Member did not really understand his own Bill, which, on the hon. Member's own admission, contained the very Christian principle, that no man need observe the Sabbath at all, though its title was, a Bill for the Better Observance of the Sabbath. A man might, under this Bill, pass the Sabbath in entire idleness, though hitherto it had always been said, that idleness was the mother of all vice, and was consequently mischievous. The hon. Gentleman had stated, that he did not, in his Bill, interfere with travelling. Surely the hon. Gentleman had not read the second and third clauses of his own Bill, which went to prevent every man from doing anything in his ordinary calling, business, and occupation, on the Sabbath Day. So that though it was said travelling was not interfered with, it would be impossible for a coachman to drive his horse without being amenable to punishment under the Bill. He (Mr. O'Connell) deprecated the regulations proposed by this Bill, in respect to the payment of wages, and was surprised, when the hon. Member proposed to repeal a whole mass of existing Statutes in a cluster, he had not afforded the House some explanation, or shown some grounds for the adoption of such a course. This, surely, was the fury of legislation, and not the mode to be pursued by an assembly, which, if not Christian, was, at least, an assembly where common sense ought to prevail. Again, this Bill made, like its predecessors, a distinction between the rich and poor man. The coffee-shops were to be shut up on Sundays, but there was nothing to prevent the club-houses from being open. He wished the hon. Member would postpone the second reading of his Bill till that which was now in progress in the other House came down to them, and then the House might decide at once on the whole batch. He asked the hon. Member, was his Bill necessary? Had the hon. Member not shown himself that it was quite unnecessary? There prevailed a greater feeling of reverence for the Sabbath than had formerly subsisted. The reason was this,—that the more you had of statute law, the less you had of practical observance. The details of the Bill were absurd; the provisions were so framed that a man must go unshaved unless he could shave himself; and if he shaved himself, he must warm his own water. He should, therefore, move, that the Bill be read a second time that day six months.

Mr. *Poulter* seconded the Amendment. He took it for granted, that the House meant to legislate on this question; and he thought, therefore, it was time to agree on the principle of the measure. But to the principle of this Bill he strongly objected, as by the 4th and 7th clauses it was evident that the hon. Member contemplated an aggravation of penalties. Now, he (Mr. Poulter) proposed to effect the same object by collateral and ancillary means. The mode he would adopt was founded on the great statute of Charles 2nd, and would prevent the gross evasions which were practised in contravention of it. The decision of Lord Mansfield, in the case of

"Cripps *v.* Durden," that there could be but one offence committed on the same day, had annihilated the fair interpretation to be put upon that statute. But it would be idle to attempt to hinder Sunday marketing, unless the poor had secured to them the means of purchasing on a Saturday; otherwise Sunday marketing would be not merely justifiable, but it would be an act of charity to promote it. He believed that there was a great deal of indifference to religion, and a great deal of mistaken religion in the country; but he hoped that, with the extension of education, a feeling of true religion would spring up, equally removed from superstition and fanaticism, indifference and infidelity.

The House divided on the original motion. Ayes 45; Noes 77: Majority 32.

List of the AYES.

Agnew, Sir A.
Ashley, Lord
Baines, E.
Blackstone, W. S.
Brocklehurst, J.
Chaytor, Sir W.
Egerton, W. T.
Ewing, J.
Fenton, J.
Forster, C. S.
Gaskell, J. M.
Gladstone, W. E.
Grant, Right Hon. R.
Grey, Sir G.
Halcombe, J.
Hardy, J.
Hughes, W. H.
Jermyn, Earl
Jervis, J.
Lennox, Lord A.
Lincoln, Earl of
Madocks, J.
Marsland, T.
Maxwell J. W.
Maxwell, H.
Mosley, Sir O.
Nicholl, J.
Pease, J.
Perceval, Colonel
Peter, W.
Phillpotts, J.
Plumptre, J. P.
Rice, Hon. T. S.
Richards, J.
Rotch, B.
Ryle, J.
Sandon, Viscount
Seale, Colonel
Shaw, F.
Sinclair, G.
Stanley, Hon. H. T.
Stewart, Sir M. S.
Vyvyan, Sir R.
Wilbraham, G.
Wynn, Right Hon. C.

TELLERS.

Bateson, Sir R.
Fleetwood, P. H.

Bill put off for six months.

OBSERVANCE OF THE SABBATH (BILL No. 2).] Mr. Poulter moved the second reading of this Bill.

Sir *William Molesworth* moved, as an Amendment, that it be read a second time this day six months.

The House divided on the Amendment: Ayes 12; Noes 52: Majority 40.

The Bill read a second time.

* * *

HOUSE OF LORDS,

Thursday, May 22, 1834.

MINUTES.] The Royal Consent was given by Commission to the following Bills:—Exchequer Receipts; Smuggling Act Amendment; Hemp and Flax Bounties; Clerk of the Pipe (Scotland); Warwick Witnesses' Indemnity; Liverpool Witnesses Indemnity; and a large Number of Private Bills.

Bills. Read a third time:—Law of Escheats; Exchange of Land in Common Fields.

Petitions presented. By the Earl of MALMESBURY, from Bloxham, against the Statute Duty and County Rates.—By the Earl of HAREWOOD, from Leeds, for Amending the Reform Act.—By the LORD CHANCELLOR and Lord YARBOROUGH, from several Places, and Dissenting Congregations,—for Relief to the Dissenters.—By the Earl of CAWDOR, from Cawdor and Auldearn, against the present System of Church Patronage in Scotland.—By Earl DE GREY and Lord YARBOROUGH, from a Number of Places,—against the Corn Laws.—By Earl DE GREY, the Duke of GLOUCESTER, and Lord KENYON, from several Places,—against Admitting Dissenters to the Universities.—By the Duke of WELLINGTON, Earls DE GREY and SHAFTESBURY, and the Archbishop of CANTERBURY, from several Places,—against all the Claims of the Dissenters.—By Earl FITZWILLIAM, from the Handloom Weavers of Kinross and Irvine, for a Board of Trade, and for Relief.—By the Duke of WELLINGTON, and Lords REDESDALE and ELLENBOROUGH, from several Places, for Protection to the Established Church.—By the Earl of WINCHILSEA, from Nottingham, for the Better Observance of the Sabbath.

TITHE SUITS.] Lord *Sondes*, in presenting a petition from a parish in Kent on the subject of tithes, took occasion to inquire whether it was intended to introduce any measure for the purpose of restricting protracted litigation with reference to the recovery of tithes and moduses.

The *Lord Chancellor* said, that a Bill of that nature had been brought into Parliament last Session, but it had not been adopted. The difficulties which attended legislation on this subject were very great, as respected tithe-owners, lay-impropriators, and those on whom they might have claims. Unquestionably, liberty had been given to the former to commence suits for their claims, and, if they pleased, they had a right to do so. Now, if a measure had been passed, allowing them to prosecute suits, it would be very hard to turn round on them with a Bill, and to say, "You shall not proceed." The difficulty on every side was very great, and he believed that much evil had been caused by the Bill that had formerly passed, restricting individuals from instituting suits after a certain time. In all such cases, whenever they legislated prospectively, and gave time for adopting certain proceedings, which time having expired, no such proceedings could be adopted, the consequence was, that all who were concerned rushed into court, and actions were instituted which, but for this circumstance, would perhaps never have been brought. The remote and prospective operation of such an act would be to put an end ultimately to actions; but, in the intermediate period before the time of restriction arrived, actions would be multiplied. Lord Tenterden's Bill originally provided for the bringing of actions within three years, but that term was reduced to one year. This had the effect of bringing a vast number of titheholders into the field who otherwise would not have appeared there, and this he considered to be a very great misfortune. He had had occasion, however, to make inquiry since the matter was last brought before him, and he was led to believe, from the information which he had received, that a great number of those suits had not been proceeded in, although there certainly were some exceptions. The great disapprobation which had been expressed throughout the country would perhaps prevent even these from going on.

GRIEVANCES OF DISSENTERS.] The *Lord Chancellor* said, he held in his hand several petitions, coming from a large number of Dissenting bodies of the highest respectability. They emanated from Dissenting congregations meeting at Liverpool, at Silver-street London, at Halifax, at Newmarket, at Aldborough, and several other places, and all of them were very much to the same purpose. The petitioners complained of the civil disabilities under which they laboured, and they prayed their Lordships to lose no time in removing and redressing their grievances. They strongly complained of the want of a legal registration of births, marriages, and deaths. This, it might be observed, was not a grievance peculiarly affecting Dissenters, but still it was to them a very great grievance; and the more they succeeded in acquiring landed property, precisely in that proportion did they feel this grievance in a greater degree than others. The Bill connected with this subject, which it gave him great satisfaction to find had been introduced to the House of Commons by an hon. and learned Gentleman, had, it seemed, so far as it went, conciliated the feelings of that House. With respect to the right of graduating at the Universities, the refusal of which also afforded ground of complaint to the Dissenters, he should at present say nothing. With respect to the solemnization of marriage, they complained that they could not go through that which many of them considered a civil process, without conforming to religious rights of which they did not approve. This he agreed with them in considering a very great grievance. Whether marriage was considered as a religious or a civil contract, or whether it was viewed as a contract of a mixed nature, was quite immaterial to the question. They complained that they could not be married without undergoing certain ceremonies, which they looked on, from conscientious motives, with very great repugnance. Some points which he had stated on a former occasion when he addressed himself to this subject, had, he knew, the effect of setting at rest the unpleasant feelings of several respectable Dissenting bodies in Lancashire and elsewhere—feelings which arose from their not understanding thoroughly the measure of relief which it was meant to extend to them; and he should now say a word or two to correct the mistake which they laboured under with reference to the important measure which was intended for their benefit. That measure would relieve all Dissenters of all denominations whatever—Presbyterians, Unitarians, Catholics, in short, Dissenters of every denomination and description, from the only grievance that affected their feelings as professors of any particular religion, by enabling them to contract valid marriages—valid for themselves and for their issue, without going to Church or appealing to any ecclesiastical authority or submitting to any religious ceremony of which they did not approve. By the measure to which he referred, they need not go into Church at all to be married; each of them would be as much at liberty as any individual then present was, to have the ceremony performed in his own dwelling. They might have the ceremony performed in their own meeting-house or place of religious worship; just as those who professed the doctrines of the Established Church, chose to have the ceremony performed in their Church. But those who objected said they were unwilling to have their names published by bans. Now, he would ask, what was the object of publishing bans; and he would pray those who objected to such a proceeding to consider what was the nature of the publication of bans in church? It was a secular, it was a civil notification, and had no more to do with religion of any kind or sort—no, it had no more to do with religion, than the proclamation of the King in the market-place, had to do with the selling of meat. The proclamation was made in the market-place to give due publicity to the King's lawful commands; not simply because the spot was the market-place, but because, being the market place, it was much frequented. The publication of bans, in like manner, was not made in the Church merely because it was the Church, but because many people were in the habit of frequenting the Church. It was clear, that the reason of publishing the bans was not because it involved a religious ceremony, but because it gave due publicity to the fact of a marriage being contemplated between certain parties. Now, the Statute of George 2nd said, whether rightly or wrongly it was not necessary for him to inquire, "that before a person under age shall contract marriage, the consent of the parent or guardian must be obtained;" and in order to give notice to the parent or guardian of any such intended marriage—in order to prevent a good-for-nothing man from running away with a young woman of fortune, it was enacted that publicity should be given to the matter by bans. And why was the Church selected for the publication of those bans? The reason was evident—namely, because people were supposed to go, and did go, in large numbers there. But even this precaution might in some cases be inefficient; as, for instance, in the case of a Church at Manchester, where many hundred bans were published on a Sunday. Would those who objected to this risk the total loss of that security which the Statute intended to give to parents? Then it was said, "Why not look to some other mode of publicity? Why not place the names on the Church-door? But as great an objection had been raised against that plan as against the other; the chief opposition to which arose from the mixing up secular matters with matters of a sacred nature. When it was said, "Let the names appear on the Church-wall," that proposition was objected to at once. Such a proceeding would be unpleasant to the feelings of many; and, besides, it would not secure publicity. Individuals who wished to be secretly married might, in the first instance, have their names put up; but they also might, immediately after, employ a friend to take down the names, and thus they might be married without any notice. Again, it was said, "Let the law respecting marriages be placed on the same footing as in Scotland;" and some of the petitions, coming from individuals of great respectability, approved of this suggestion. The petitioners proposed to make marriage at once a civil contract, as it was in Scotland. Now, he very greatly approved of many of the institutions of Scottish law, and he had often said, that some of them might, with great propriety, be adopted here. One peculiarity of that law—namely, its conciseness—might be adopted with considerable benefit. He believed that his noble friend on the cross-bench, who was deeply versed in that branch of legal knowledge, might carry about him the whole statute law of Scotland in a space not larger than his snuff-box would occupy. Some of the statutes of Scotland were confined to three lines, some even to two and a-half; while, in England, there were goodly statutes that occupied some hundred pages. This brevity he conceived might be adopted with advantage; but if there were any one part of the Scottish law the adoption of which he never would recommend to their Lordships, and which he thought ought to be shunned, it was the Scottish Law of Marriage, which some individuals would fain introduce here. He would ask those who advocated that system to look at the state of the law. A young man in Scotland could not dispose of 1-20th part of an acre of land in any manner whatever till he had attained the age of twenty-one. But what was the case with respect to marriage? A youth, when he was barely fourteen years of age, might, though he were by rank a duke in the land, though his expectations were of the most exalted description—such a youth might, without one moment afforded for the advice of friends—without the means of cool reflection—without the knowledge of his guardians, without the "*spatium requiemque,*" he would not say, "*dolori,*" as it might not be thought by some applicable to the subject, or "germane to the matter,"—that youth might, thus situated, contract a shameful alliance, he might contract a disgraceful marriage, by his saying two words, "Will you accept of me as husband?" and the female answering, "Yes!"—there was as valid a marriage contracted as ever was solemnised by king, priest, pope, or bishop. Such was the Scottish law of marriage. Here was a youth of fourteen; here was a girl, older or younger—"I take you," says the one, "for my wife," and "I take you," replies the other, "for my husband," and, according to the Scottish law, the marriage was good and valid. He should say no more on this subject to the rational portion, and they were by far the largest portion of his dissenting countrymen. He had thus, most respectfully towards them, stated his idea of the introduction of the

Scottish law of marriage. He hoped sincerely, that his argument would open their eyes to the groundlessness of the objections made to that which was proposed for their benefit. He trusted, that they would see the anxiety that was manifested in the plan proposed to conciliate their feelings, and that they would not oppose that part of the measure, the object of which was, to prevent fraudulent or improper marriages. Relieved, as they would be, from every thing that could be considered a real grievance, he hoped, that the Dissenters would not attempt to plunge the country into all the mischiefs which must result from abolishing the Law of Marriage as it now stood, and allowing parties to enter into that solemn obligation without proper guards and checks against artful and insidious devices. He felt greatly obliged to his dissenting countrymen for the approving manner in which they had received his former observations, and he hoped that they would take in kind part—and in kindness most assuredly it was meant—the advice which he had now given to them.

Petitions laid on the Table.

Lord *Kenyon* having presented a petition against allowing Dissenters to graduate at the Universities, observed, that the petitioners stated, that the Universities ought to be, in accordance with their foundations, exclusively appropriated to the support of the Established Church, and in that sentiment he entirely agreed.

Earl *Fitzwilliam* said, that if the noble Baron had laid the petition on the Table without any observation, he should not have made a single remark. The petitioners, it appeared, asserted, that the Universities were established solely for the support of the Church. Now, the greater part of the colleges were founded by individuals, and it did not appear, that those individuals had any particular sect in view. The petitioners could not make out, that the founders had such a feeling, either by reference to the mode in which those Universities were established, or by reference to particular foundations; or, lastly, by reference to the time when they were founded.

Lord *Kenyon* said, he did not rise for the purpose of stating, that the Universities of this country were established for the purpose of promoting the doctrines of the Church of England, because it was well known, that many of them were established before the Reformation; but that they were established for the purpose of promoting religious instruction in connexion with the State, at the time they were founded, there could be no difficulty in maintaining. He had not made any speech in presenting the petition, because he did not wish to detain their Lordships with any discussion, and therefore he had done nothing more than shortly state to their Lordships what the nature of the petition was. He had another petition to present to the same effect, from the friends of the Established Church at Denbigh, which would give the noble Earl opposite the opportunity, if he wished it, of making any further observations he liked. He begged to have the petition read; it was signed by the clergy, and all the principal persons, as well as all the poorer persons residing in that place.

Earl *Fitzwilliam* hoped it was quite unnecessary for him to assure the noble Lord, that the Universities were not founded with that sort of connexion with the Church which was alleged in the petition; he had meant merely to state, that they were founded in Roman Catholic times. What he meant was, to call their Lordships' attention to the allegation of the petitioners, which had been repeated again in the next petition, and in perhaps still stronger terms, viz. that persons who entered the Universities being bound to subscribe to any particular sect of religion, was not consistent with the original foundation of those Universities. He was satisfied, that the petitioners could not make out that proposition, inasmuch as it was perfectly well known, with respect to at least one of them, that the tests which were now required in that University were, if he might so speak, of modern introduction, and therefore it was quite impossible to substantiate the allegations which the petitioners made, that the object of the Universities was to maintain one particular sect of Christianity.

The Duke of *Wellington* wished to say one word upon the subject to which the noble Earl had adverted. The noble Earl had stated, that the Universities were not founded for the maintenance of any particular doctrine or sect in religion, and that they were not founded for the exclusive support of the Protestant faith. This was perfectly true, inasmuch as many of the colleges were founded before the Reformation; but he defied the noble Earl to prove, that it ever was the intention of the founders, that any religion but the Christian religion should be taught in those colleges. The Roman Catholic religion, which was formerly the religion of the country, was reformed; and, being reformed, it was introduced, as their Lordships knew, into the Universities. Then it was, that tests of faith were required from the students seeking admission. And what was the nature of those tests? They were simply tests of Christianity, as taught and maintained by the Church of England. This was the nature of the tests which students were required to take; and could it be contended, that such tests were not proper in guarding the admission to Universities founded for the maintenance of the Christian religion. These tests met the concurrence of the noble Earl himself (Earl Fitzwilliam), and of every other noble Lord in that House, so far as concerned their purport. Did the noble Earl mean to say, that these tests against the Catholics, having been necessary at the time of the Reformation, were less necessary now, because of the Catholics having obtained greater power within the last three or four years? He was sure that could not be his argument; but, if it was, he was sure that House would not sanction it. When most of the colleges of the Universities were founded, the belief of the country was different from what it afterwards became. The truth was not discovered until afterwards, and then, of course, those learned bodies were bound to take measures and precautions for the propagation of what was believed to be the true faith. He should like to know from the noble Earl, whether he meant to say, that any thing but the truth was to be taught at the Universities?

Earl *Fitzwilliam* said, the noble Duke had advanced one or two propositions to which, and he hoped the noble Duke would forgive him, he should endeavour to call the attention of the House. The noble Duke said, that the greater part of those colleges were founded in Roman Catholic times. That he (Earl Fitzwilliam) admitted. But the noble Duke also said, that, at the period of the Reformation, those tests which were now complained of had been imposed. They certainly were not then imposed in the University of Cambridge. He would not speak of the University over which the noble Duke presided; but those tests, he was certain, were not introduced into Cambridge until long after the Reformation. Until the noble Duke showed, that the Reformation took place in the time of James 1st and James 2nd, he could not justly contend, that those tests were imposed at the time of the Reformation. But the noble Duke said, that those persons who were educated at the University, when they took those tests declared, that they fully believed in the reformed religion, as opposed to that which had been superseded. Now, vast numbers of persons in this country held, that the Reformation was but half a reformation, and they would find that opinion very prevalent on the other side of the Tweed. It was perfectly absurd to say, that the Protestant religion, properly so called, was imposed, if he might use the expression, on those who came to the Universities, and were required to take certain tests. It was no renunciation of Popery they were called on to make. They were required to sign thirty-nine articles, containing various propositions, many of them connected with subjects of a deep, subtle, and metaphysical character. So abstruse were they, that he was certain that ninety-nine out of 100 students who entered at Oxford—yes, that ninety-nine out of 100 of those young men who were called on to subscribe those articles, did not comprehend them. Would the noble Baron (Kenyon) tell him, that young men of nineteen years of age, going to enter at Oxford, understood and comprehended the doctrines of free-will, of necessity, of transubstantiation, and a great many other propositions equally difficult? Would the noble Baron get up, and tell him, that very young men, coming from Eton or Westminster, could understand all those subjects, most of them, he might say, embracing points on which many of their Lordships themselves had not perhaps formed a determined and steadfast opinion? It was not possible to suppose, that they should understand them, and yet they were called on to sign those articles.

Lord *Kenyon* was enabled, as a member of the University of Oxford, to give a practical denial to the charges of the noble Earl who had just sat down. A right rev. Prelate near the noble Earl would tell him, that his opinions were entirely founded in error. When latterly his own son was entered at the University of Oxford, he was called upon to subscribe the Thirty-nine Articles. The meaning of his so subscribing them, however, was explained to him in a manner very different from the explanation of the noble Earl. The tutor told him distinctly, that he did not call upon him to say, that he understood the Thirty-nine Articles, but simply that he was willing to receive instructions respecting them. He had subsequently, the gratification to hear that his two sons had attended to the instruction offered to them, and fully comprehended the meaning of all the Articles they had signed. Whether he (Lord Kenyon) had himself understood the meaning of these articles or not, when he entered the University, he would not pretend to say; but he would say, that he was at that time fully as competent to enter into discussion upon them as the noble Earl seemed to be at present; and, at a proper time and place, he should be willing to enter into the controversy with the noble Earl. There was an irregularity in the prayer of the petition he had presented, and he should therefore withdraw it.

The Bishop of *London* begged to trouble their Lordships with one or two observations, having been alluded to by the noble Lord who had last spoken. The noble Earl (Earl Fitzwilliam) had told their Lordships, that few in that House understood the meaning of the Thirty-nine Articles. He (the Bishop of London) had certainly very distinctly traced the unacquaintance of the noble Earl with those Articles. As he had taken and subscribed them, he was bound now to be acquainted with their meaning.—[Earl *Fitzwilliam* had not subscribed them.] At all events, the noble Earl was a sincere member of the Church of England, and as the Thirty-Nine Articles contained the doctrines of the Church of England, he ought to be acquainted with them. The noble Earl had said, that the Thirty-nine Articles did not contain a renunciation of the errors of Popery. On the contrary, he begged leave to state, that each of these Articles emphatically denied some one of the erroneous doctrines of the Church of Rome. He wished to make one remark upon the assertion, that the religion of the country had been changed by the Reformation. That, he humbly conceived, was not a proper mode of stating the effect of the Reformation. The national religion upon that occasion was rather purified than changed. It was not denied, that these colleges were bound to teach Christianity. As they were connected with the State, were they not bound to teach it according to the belief of the Church of England? If the Dissenters should be forced, *eo nomine*, upon the Universities, their character would be completely changed.

Earl *Fitzwilliam* had not said, that an assent to the Thirty-nine Articles did not amount to a renunciation of Popery; but it was not necessarily so. He had merely maintained, that the majority of that House did not fully understand the meaning of those Articles. For one, he had no hesitation in avowing, that he did not understand them; and questions of so much metaphysical abstruseness and subtlety were involved in them, that he doubted if any noble Lord could get up and conscientiously declare, that he felt no difficulty on the subject.

The Bishop of *Exeter* did not wish to prolong the discussion; but he could not avoid entering his protest against the noble Earl's statement, that the Thirty-nine Articles would admit of various interpretations. The object of those who drew them up was, to make them as precise and intelligible as possible. As to a young man of sixteen being required to subscribe to them, and not understanding them, the student always placed implicit confidence in his tutor to teach him the meaning of them, and that had been the answer upon all occasions to the objections that had been urged against them. That answer had always been considered as a triumphant one. The objection was a very old one, and it had always been met as he then met it, and in a manner which was considered to be conclusive. Many years ago, in Parliament, the same objection had been brought forward by Sir W. Meredith, who was answered by Lord North. It had really always been laughed down for its absurdity, and as undeserving a single observation in reply. The question had fallen in the way of Dr. Johnson, who encountered it in the conclusive and convincing manner in which he was accustomed to meet every matter of controversy. Nothing more amusing could be imagined than to see the noble Earl stand up in such an argument against Samuel Johnson. In the sense to which he had referred, it had always been declared by tutors at College that the Thirty-nine Articles ought to be received and in none other; and it was unjust and absurd to contend that the contrary was the understanding.

Earl *Fitzwilliam* was surprised, that the right reverend Prelate should have advocated and sanctioned such a practice as that which he had stated, which called upon undergraduates to subscribe to one thing, while they professed another. [*"No, no."*] He (Earl Fitzwilliam) would say, "Yes, yes;" for, if the statements of the right reverend Prelate meant anything, they meant that. He knew not how amusing it might be to the right reverend

Prelate to see him (Earl Fitzwilliam) enter into argument with such a man as Dr. Johnson; but he thought few things could be much more amusing than to see a right reverend Prelate get up and declare that it was right for a young man to subscribe to what he did not pretend to understand or mean. The right reverend Prelate had begged the question from beginning to end, and had made himself quite as amusing upon this as he had upon a former occasion.

The Earl of *Winchilsea* thought the noble Earl had formed extremely erroneous notions of what the right reverend Prelate had stated. What he had said was, that the under-graduates were called upon to subscribe to the Thirty-nine Articles, reliance being placed on their tutors to impress upon them their effect. These Articles were chiefly as a test of the willingness of the student to become a proficient in the doctrines of the Church of England. The Roman Catholics had seminaries for the instruction of their priests. Why should not the Church of England have institutions for the instruction of their clergy? If the House were to take from the Established Church those liberties which she now possessed, they would place her in a worse situation than any body of Dissenters in the kingdom. No young man, upon subscribing the Thirty-nine Articles, could be supposed to assert, that he understood all they contained. There were questions in religion beyond the narrow comprehension of man's understanding altogether.

The Archbishop of *Canterbury* would not have said one word on this subject, but for the harsh and unjust observations of the noble Earl (Earl Fitzwilliam) upon the right reverend Prelate, (the Bishop of Exeter). From the tone of the noble Earl's animadversions, it might be supposed, that the spirit of the Jesuits of old animated the observations of the right reverend Prelate. He (the Archbishop of Canterbury) might probably fall under the same obloquy; but he should feel, that he was a miserable creature if he did not come forward and add his word in a case in which the truth was in jeopardy. He did not know that it was necessary for him to say, that he concurred entirely in all that had fallen from the right reverend Prelate who had just spoken, and he need not tell their Lordships, that the right reverend Prelate's construction of the rules of the University of Oxford was the true one. The most reverend Prelate then read certain parts of the statutes of the University of Oxford, which required students to subscribe to the Articles of Faith, and to acknowledge the King's supremacy, from which it appeared they were compelled to subscribe to the Articles of Faith and Religion at the age of twelve years, but were not to take the Oath of Supremacy and Fidelity until they arrived at the age of sixteen. It required a great deal of knowledge to comprehend the Articles of the Church, and it was, therefore, not to be supposed that students entering the Universities were required to have a full understanding of their doctrines, but were only declaring a general belief in them as members of the Church of England. So, when children were asked if they were Christians, and to say the Belief, he apprehended that it was not expected of them that they entirely comprehended the declaration of the Creed at that time, but only that they were ready to adopt it as it should be taught them, until their minds acquired the power of examination. The duty of requiring subscription to the Articles from students was imposed upon the tutors of youth at the University in this sense. This was required of the tutors, who were bound to watch over the morals of the students committed to their charge, and to instruct them in their duties, more particularly in their religious duties, and in the Articles of Doctrine agreed to in Council in the year 1562. After looking at these directions, which he was enabled to say were at Oxford most fully and faithfully obeyed, he did not know how any one could say, that the subscription of the Articles by students implied a belief in all their doctrines. It was only a declaration that they were members of the Church of England, and that they were desirous and willing to be instructed in its doctrines. When the subscription was made by persons undertaking the ministry of the Church, then, indeed, he understood that such persons subscribed to the Thirty-nine Articles their full belief in all that they contained, and not as in the case of the child or student.

Petition withdrawn, being irregular.

HOUSE OF COMMONS,

Thurday, May 22, 1834.

Minutes.] Petitions presented. By Major Beauclerk, from two Places, for Remitting the Sentence passed on the Ten Agricultural Labourers at Dorchester; from St. Mary, Newington; and by Mr. Greene, from Lancaster,—against the Poor Law Amendment Bill.—By Mr. C. Buller, and Mr. Walter, from two Places, for Inquiry into the Causes of Drunkenness.—By Mr. Baines, Mr. Wilks, and Mr. Adams, from several Places,—against the proposed Measure of Church Rates.—By Lord Robert Grosvenor, Sir Ronald Ferguson, Mr. O'Connell, Mr. Buckingham, Mr. G. F. Young, Mr. Halford, Mr. Oswald, Lord Castlereagh, Lord Dalmeny, Messrs. Hawes, Philips, Lefroy, Pendarves, Clive, Cayley, Sir Andrew Agnew, Colonel Fox, Colonel Conolly, Mr. Sinclair, and Mr. Dunlop, from several Places,—for an Inquiry into the Causes of Drunkenness.—By Mr. Grote, from Perth, for Vote by Ballot, and Triennial Parliaments.—By Sir Robert Inglis and Mr. Halford, from several Places,—against the Universities' Admission Bill.—By Mr. Hawes, from Clerks in Government Offices, against the Pensions (Civil Offices) Bill.—By Mr. Oswald, from Cumnock, for the Repeal of the Corn Laws; from several Places, for the Separation of Church and State.—By Mr. F. Young, from the Merchant Seamen of North Shields, against the Contribution of Sixpence to Greenwich Hospital; from Shipowners and others in London, for an Alteration in the London Port Acts.—By Mr. O'Connell, from the Debtors in Gloucester Gaol, for the Abolition of Imprisonment for Debt; from Crossmolina, for the Repeal of the Union; from Carlteel, against Tithes and Poor Laws in Ireland; from several Places, against Tithes, from the Dairymen of Dublin, against the Tax on Carts used in their Business; from the Shipowners of the Port of Dublin against the Reciprocity of Duties Act.—By Colonel Anson and Mr. George Frederick Young, from two Places,—in favour of the Leith Harbour Bill.—By Mr. Cayley, from Middlesbrough-upon-Tees, for the Repeal of the Export Duty of Coals.—By Mr. Oliphant, from Perth, for the Dissolution of the Convention of Royal Burghs; and for the Abolition of the Abjuration Oath.—By Mr. Roebuck, from Lower Canada, for a Reform in the Governance and Laws of the Province.—By Mr. Mangles and Mr. Duncombe, from several Places,—against the Claims of the Dissenters.—By Sir Robert Inglis, from several Places, for Protection to the Church of England; and by Mr. Heathcote, from Boston,—for Amending the Sale of Beer Act; from several Places, for the Better Observance of the Lord's Day; from Charlbury, against the proposed Measure of Church Rates.—By Lord Sandon, Sir Charles Lennox, and Messrs. Duncombe, G. F. Young, Duffield, Greene, Bigney, Grote, and Clive, from a Number of Places,—against the Poor Law Amendment Bill—By Lord Norryes, Lord Sandon, Mr. Duncombe, and Mr. Mills, from a Number of Places,—against the University Admission Bill.—By Lord Castlereagh, from Killough, for Relief to the Irish Fisheries.—By Mr. Shaw Lefevre, from several Places, for the Repeal of the Malt Tax.—By Messrs. Grote and Oswald, from two Places,—against the Taxes on Knowledge.—By Mr. Grote, from Perth.—By Mr. Buckingham, from the Handloom Weavers of Lochwinnoch, for a Board of Trade.—By Mr. Oswald, from Perth, for Universal Suffrage, and the Repeal of the Septennial Act; from Salcoats (Ayrshire), against the Sabbath Observance Bill; and by Mr. Shaw Lefevre and Lord Sandon, from two Places,—in favour of thesame.—By Mr. Oliphant and Mr. Oswald, from several Places, against the present System of Church Patronage in Scotland.

Stamps on Newspapers.] Mr. *Edward Lytton Bulwer* said, that the great pressure of business in the last Session, and a variety of those incidents which so often and so unexpectedly started up in the way of any independent Member bringing forward a Motion in that House, had obliged him to defer the question now before them from time to time until this evening; he was at length enabled to fulfil a pledge which he gave to the country, and a duty which he owed to himself; he was not sorry for the delay—truth never lost by delay. The question was not now what it was when he first introduced it to that House—a new question, coldly agitated without, supported only by the inquiring and speculative few, and screened from the eyes of the people by a variety of other objects, more clamorous and more exciting; since then it had been taken up throughout the country; it had been made a test of principle at the general election; and if hon. Members remembered that evening the wishes of their constituents and their own pledges, he should not fear the result of the decision to which they were about to come. Let them consider, then, the small amount of the tax; listen patiently to the statements and the facts he should adduce as to the substitute he proposed; remember the importance attached to the subject in the last election; count the number of petitions that had been presented to the House from every large town throughout the kingdom; and then, as an additional argument in favour of the Motion, recollect, that it had obtained favour and support throughout the country without any encouragement from the newspapers (the greater part of which naturally inclined to a tax which conferred the monopoly and the market upon themselves), without the excitement of tumultuous meetings or inflammatory harangues. It was from the quiet and deep heart of the people themselves that had come forth the prayer that he now supported, for the free circulation of opinion—for the enlarged and the untaxed diffusion of knowledge, not of politics alone, but of the debates of that Assembly — of the proceedings of the Courts of Law—of the affairs of foreign states, and of that vast miscellany of information connected with a thousand branches of utility and morals which newspapers furnished to the world. And when the people themselves came forward, even amidst the pressure of financial distress, with this generous and hearty desire for their own intellectual improvement, he knew of no popular request which was more worthy the character of a great nation—which ought to be more gladly welcomed by a Representative Assembly, or more frankly acceded to by an enlightened Government. When the noble Lord, the Chancellor of the Exchequer, brought forward his budget last year, he was surprised to hear no less a person than the right hon. Baronet, the member for Tamworth, observe, in excuse for the noble Lord in repealing the Stamp-duty upon newspapers, that he believed the newspapers were not loudly complaining of the burthen they endured — that they seemed tolerably contented with the imposition, and would probably be acquiescent in its continuance; the right hon. Baronet was cheered in that remark, and, therefore, there must be hon. Members in that House who supposed, what he could scarcely believe the right hon. Baronet unaffectedly supposed, that the Stamp-duty was a tax of which only the existing newspapers had a right to complain. Why, did any one ever hear of any monopolists complaining of a monopoly? When the House opened the trade of India, was it the East-India Company that insisted upon a repeal of their charter? This tax was a charter to the existing newspapers —it was not they who suffered from it— it was the public—it was the Government —it was order—it was society that suffered! Just let the House consider—the Stamp and Paper-duties, with the price of printing and the news-agency, amounted to 5½*d.* for every 7*d.* copy of a newspaper. The consequence of this heavy taxation was this, the capital required to set up a newspaper (what with the expense of reporting, of acquiring foreign intelligence, &c.) was so enormous as to be estimated for a morning paper at from 30,000*l.* to 40,000*l.*; this extravagant demand frightened away new competitors, and thus the papers already established enjoyed a monopoly. They were quite contented to pay a heavy tax which secured to themselves the public market, and naturally eager to resist a repeal of the burthen which would immediately surround them with a crowd of rivals. The existing papers, therefore, did not suffer by the tax, but he would tell them who did— the people suffered, and that to an extent which few men had sufficiently considered. In the first place, the high price of the legal papers prevented, in a great measure, their reaching the poor—he meant the operative and the mechanic. What was the consequence? why this, it was an axiom in our excise legislation, that whenever a commodity was taxed above fifteen per cent, smuggling necessarily ensued; but you tax the newspaper more than 100 per cent; and the result was, the enormous circulation of all manner of contraband publications; the writers in these papers could scarcely be well affected to the law, for they broke the law; they could scarcely be reasonable advisers, for they saw before them the penalty and the prison, and wrote under the angry sense of injustice; they could scarcely be safe teachers, for they were excited by their own passions, and it was to the passions of a half-educated and distressed population that they appealed; in fact, he had seen many of these publications—nothing could be more inflammatory or dangerous. One paper took a particular fancy to the estates of the Duke of Bedford—another paper had been remarkably anxious for the assassination of the Duke of Wellington. [*a laugh.*] Gentlemen might laugh at these notions; they were contemptible enough to them, but it was not to them that they were addressed; they were addressed, week after week, to men who had not received any education, and whom poverty naturally attached to the prospect of any violent change. These notions might be easily controverted; they might be scattered to the wind, for the English operative would listen to reason, or he would not ask you to repeal this tax; but the Legislature would not allow them to be controverted—would not allow them a reply—they never were replied to—the legal newspapers (addressing a higher class of readers) did not condescend to notice them; even if they did, the cheap newspaper was read where the dear one did not penetrate. You either forbid to the poor by this tax, in a great measure, all political knowledge, or else you give to them, unanswered and unpurified, doctrines the most dangerous—you put the medicine under lock and key, and you leave the poison on the shelf; you do not create one monopoly only, you create two monopolies—one monopoly of dear newspapers, and another monopoly of smuggled newspapers; you create two publics; to the one public of educated men, in the upper and middle ranks, whom no newspaper could, on moral points, very dangerously mislead, you give the safe and rational papers; to the other public, the public of men far more easily influenced —poor, ignorant, distressed—men from whom all the convulsions and disorders of society arise, (for the crimes of the poor are the punishment of the rich,)—to the other public, whom you ought to be most careful to soothe, to guide, and to enlighten, you give the heated invectives of demagogues and fanatics. He might stop here and say, that he had made out his case. What more need be said, to prove, that this was a tax that ought to be repealed? What greater curse could a Government bring upon itself than that which it must experience if it permitted the circulation of the most dangerous opinions and suppressed the reply to them? Of what greater crime could a Government be guilty than that of allowing the minds of the poor to be poisoned?—than that of pandering to their demoralization?—and, if demoralization led to guilt, and guilt to punishment, of encouraging the wanton sacrifice of human life itself? When it was said, that if we opened the market to cheap papers, all kinds of trash would be poured in, those who said it were not aware of the trash that now existed, that was now circulated in defiance of laws, of fines, and of gaols. During the present Administration, from 300 to 400 persons had been imprisoned for merely selling unstamped publications in the streets—had been punished with the utmost rigour—sent to herd with felons and the basest outcasts of society; and what had been the consequence? Had they put down the publications themselves? No! They had only raised their authors into importance among that part of the population they addressed; and, instead of silencing fanaticism, they had exalted the fanatic into the martyr. If there was one true axiom in the world, it was this—that opinion only can put down opinion; and if bad doctrines were afloat, they could only refute them by the propagation of good doctrines, and, therefore, it was wisely said the other day by a noble Lord, (the Secretary of State for the Home Department) in answer to Lord Winchilsea, who urged him to prosecute the unstamped publications, "that prosecution might only give them a double publicity." But in what a condition, then, were the Government placed? They left a law on their Statute-book to which they dared not apply—a law which, when dormant, gave a monopoly to the disaffected; and when exerted, only fed still more the disaffection. If they did not use it, they were injured; if they did use it, they were injured doubly. They were like a man who kept a bull-dog so fierce that it was good for nothing; it worried both friend and foe; when chained, the robber escaped; when let loose, it turned upon its master. And a worthy task it was for the Minister of England to be waging this petty war with bill-stickers and hawkers! To let the paper itself go free, to pounce upon the man who sold it—to level the thunders of the law upon some ragged itinerant, some pedlar of the Press, and then skulk behind the Stamp-office Commissioners, and say, "They did the deed—it is not we who prosecute—it is our agents at the Stamp-office." Miserable subterfuge! pitiful excuse! The Ministers had the law in their own hands; and they were answerable for every prosecution instituted in the name of the law; but how much worse was it, how much more indefensible, if they who attacked cheap knowledge were themselves the members of a society for the diffusion of cheap knowledge! If it was with a penny magazine in one hand that they attempted to strike down the penny newspapers with the other, it was carrying into the State the jealousies of trade; it was saying, "We will give you information; but whoever else gives it to you, him we will punish and destroy; we will tell you about animals and insects, and give you pictures of ruins and churches, with all such infantine trumpery—the hobbyhorse and rattle of education; but whoever unfolds to you the secrets of your laws, the machinery of your State, the mighty events that inspire the age and animate the world, him we have the Stamp Commissioners to prosecute, and the laws of our Reformed Parliament to condemn." But then came an important question—if newspapers were allowed to be cheap, would they have good doctrines propagated in answer to the bad? He had every authority for saying they would. [Here the hon. Member quoted a speech of Dr. Birkbeck, in which he mentioned that Dr. Arnold of Rugby, Dr. Whately of Oxford, and other men of high eminence, were willing to instruct the poor on matters of trade and political economy, &c., if the Stamp-duty were removed.] In fact, they might peceive by the sale of the *Penny Magazine*, and of Chambers's excellent *Edinburgh Journal*, that the poor had a disposition to instruct themselves, if the instruction were only placed within their reach. Nay, what to others seemed most dry was often to them most interesting, for the poor lived by labour and by trade, and all that enlightened them as to the direction of labour and of trade had a charm, and even an amusement, which the Gentlemen of that House were scarcely able to comprehend. In looking to France, where newspapers were so cheap in comparison to ours, and yet where a much smaller proportion of the poor were educated, they could not but observe, 1st, that a much larger number of the eminent men of that country were engaged in instructing the people through the medium of the Press; and, 2nd, the difference in the number of journals in the two countries devoted to solid instruction upon useful points. Besides its political papers, Paris had ten journals devoted to advertisements, judicial notices, and commercial announcements; twenty journals devoted to jurisprudence, eight to education, twenty-one to science, and twenty-two to medicine. Who could doubt, that these were of the most eminent advantage to the people? Who could assert, that this country, embracing a much larger reading public, would not have, at least, an equal number, if newspapers were equally cheap, and it were permitted, by the intermixture of news, to attract the poor to the graver portions of the journal? But the advantage of cheap newspapers was not only in giving to the poor such instruction as the newspapers might contain; but it was even greater in habituating the minds of the poor to read and to apply themselves to information generally. It was a remarkable fact, that nearly all the popular reading societies in the kingdom were first formed by the desire to read the newspapers. In a part of the evidence on the late Poor-law Commission, one very intelligent witness being asked, if he did not think the *Penny Magazine* had been useful in giving an intellectual bias to the poor, answered, "Undoubtedly; but I think cheap newspapers would do much more good, in training their minds to the desire of reading, and paving the way for general information." Thus, then, the advantages of cheap legal newspapers were, first, that to every bad opinion a good opinion (the natural effect of competition) was opposed—that the poor obtained all the instruction that newspapers contained—that they were thereby stimulated to seek other information of a more solid cast; and he might add, that by newspapers alone, they learned the nature of the laws, and the punishments of crime. This, then, was a tax operating in favour of bad opinion and against good opinion — operating against information, not of politics only, but of laws; not against knowledge, but virtue; it gave perquisites to the gaoler, and fees to the hangman; sowing the seed in ignorance, that they might reap the harvest in crime! The noble Lord allowed it to be a bad tax, yet he did nothing to repeal it! Shame on the Reformed Parliament, if it sanctioned these laws any longer! When he looked round that House, and observed the apathy with which they listened to this subject, he could not withstand drawing this parallel. In the worst times of modern France, with a Bourbon on the throne, with a Villèle in the administration, when it was proposed by a despotic Government to a servile Chamber to tax the press in France as it was now taxed in England, in order to prevent the circulation of knowledge, and to put down by the tax-gatherer the enlightenment they dared not assail by the soldier, the whole Chamber, subservient as it was, rose against the proposal! They would not war upon knowledge! Were Englishmen less free or less enlightened, that they should support, with patience, that which in the French Chamber had been rejected with indignation and scorn? In the remarks he addressed to the House in the Session before last, he had proved, he thought, to the satisfaction of the noble Lord, that, both by the evidence in this country, and that through Europe generally, they found, that ignorance and crime universally went together; and that, on examining the education of felons committed to gaol and sentenced to transportation or death, the vast majority of criminals possessed not even the elementary knowledge of reading or writing. This fact had been universally borne out by the evidence on secondary punishments—on the Poor-laws Commission—on the Sabbath Committee; and if this, then, were true, he told the noble Lord, that it was not enough to improve the laws, to amend the representation, if he continued taxes, which he himself acknowledged were a premium to ignorance, and through ignorance the avenue to death. It was said, that the schoolmaster was abroad; he saw his rod, but not his books. They seemed to reverse the old story of Dionysius; the tyrant had not become a schoolmaster, but the schoolmaster had become a tyrant. When Louis 16th was condemned to the scaffold, his defenders besought the judges to recollect by how small a majority that unfortunate monarch was condemned. "True," replied the judges, "but it is by a small majority, that the most important decrees are enacted." "Yes," said one solitary voice in that assembly; "but decrees, if unjust, can be repealed; but the life of a man can never be restored." So he said to the noble Lord: if, in his high capacity of Minister of State, he committed some error in mere legislation, the error could be retrieved; but if, after being duly warned, he suffered one peasant's mind to be misled, and one peasant's life lost, by the darkness and demoralization of these laws, he committed a fault which could not be atoned—a bad law might be repealed, but the life of a man could never be restored. He would say no more of this tax itself, but would come at once to the substitute he proposed for it; he proposed to repeal the Stamp-duty on newspapers altogether; and, in the first place, he suggested the propriety of laying a cheap postage, not upon newspapers only, but upon all tracts, periodicals, and works of every description under a certain weight: he proposed, that this postage should be equal, whatever might be the distance, so that the remote parts of the country should possess the same advantage in obtaining knowledge, as those immediately in the vicinity of the metropolis; and, therefore, requiring information less. He did not know, that on this point, he could add much to the calculations that he had the honour to submit to the House in the Session before last. He begged leave to say, that those calculations had never been to his knowledge contradicted or impugned. The debate was very widely published, several thousand copies were circulated; it was submitted to many practical men; despite this publicity, despite the notice it received generally from the Press, no contradiction was given to the facts he urged. He had, therefore, a right to assume, until such contradiction was made and proved, that his calculations were correct. In America, owing to the absence of that tax, newspapers were so numerous, that there was one weekly paper to every fourth person. He would only take half that proportion for this country. He would suppose, that if they abolished this tax, there would be a weekly newspaper only to every eighth person. The result would be, for the population of Great Britain and Ireland, 150,000,000 sheets of weekly newspapers throughout the year. Now, two-thirds of the London papers (it appeared by the Returns) were sent at present through the post. Suppose, for one moment, that this ratio continued with the increased numbers, what would be the amount at 1*d*. postage? Why, the amount would stand thus:—Postage of weekly papers 416,666*l*. But this was for weekly papers only. Now, calculate the daily papers, those published two or three times a-week; calculate also the tracts, the prospectuses, the pamphlets, sent through the post, and reckon all these only at as much again; the total would be 833,332*l*.—that was to say, the produce would be just double the amount of the tax he now asked them to repeal, and this calculation was formed upon the supposition, that the newspapers in this country, if as cheap as those in America, would yet be only, in proportion to the population, one-half of the number of the American papers; and this must be allowed to be a moderate calculation, when it was considered that capital was greater in this country, that printers' labour was cheaper, and that everywhere the appetite for knowledge, even among the poorest part of the people, was on the daily increase. But the noble Lord made, on a former occasion, one objection to this plan: he argued, that since the newspapers would be sold without the charge of postage in London, the effect of the plan would be to tax the provinces for the benefit of the metropolis. With all due submission to him, he thought he had here suffered himself to be led away by a common-place fallacy. In the first place, a postage was not a tax upon newspapers, it was the price of carriage; it was the necessary result of living at a distance from town, that the carriage of anything must be paid for, not newspapers only, but books, luggage, parcels of all descriptions. This was the unavoidable consequence of situation; and you might just as well call it a tax to charge a man for the carriage of coals from Newcastle to London, as to call it a tax to charge a man for the carriage of a newspaper from London to Newcastle. In the second place, if they thought it a hardship to pay a penny for a newspaper in the shape of postage, how much greater was the hardship to pay 4*d*. in the shape of duty! If they disliked to tax the provinces a penny, ought they not to dislike much more to tax them 4*d*.? or did they fancy, that when the cost was one-fourth part of what it was at present, that the people would acquire an additional right to complain? Besides, it would, in effect, weigh pretty evenly on both the metropolis and the large provincial towns, for, at present, not one large manufacturing town could afford a daily paper. Take away the tax, and every large town would have its paper—that, at all events, the town would enjoy without the burthen of postage; and in the large towns, many papers would be devoted to particular branches of commerce or trade, which would be important to those who lived in the metropolis, so that if many papers were sent from London, many also would be sent to it. Thus, then, by the postage alone, and according to a moderate calculation, he had attempted to prove, that they would receive double the amount of that trumpery tax; he had endeavoured to prove also, that the only objection against it was fallacious. But that he might not seem wedded to any particular plan, he would now, if the noble Lord wished it, concede to him all he could desire; he would suppose that the postage of newspapers would not bring in what was expected; he would suppose that it brought in nothing, but merely covered its expenses—nay, he would throw the whole scheme aside altogether. Well, he should be on equally strong ground, for by the mere removal of this tax, three other sources of revenue suddenly arose; the first, indeed, depended also upon the plan of postage—he meant the profits arising from the postage, not of newspapers, but of all light works under a certain weight, all tracts, circulars, &c. He did not think the noble Lord was aware of what an immense source of revenue this might become. In the first place, look at all the religious tracts that would be circulated if they might be sent to every part of the country at one-penny each! Look at the number of societies of every description, scientific, trading, moral, religious, that would correspond by such circulars! observe at public sales alone the expenses sustained in advertising! Every auctioneer, every Robins of the rostrum, would send forth circulars announcing the treasure he was about to dispose of. Take the prospectuses of booksellers alone. In a very able Letter which had been addressed to the noble Lord by Mr. Whiting, head of a respectable printing establishment, in the support of postage for light works, he calculated that of publishers' prospectuses (if they came within the weight admissible) 2,000 postages would be created daily. Another source of revenue by simply repealing that tax, would arise from the great increase of advertisements. Most of the newspapers set up would obtain some advertisements, more or less—some of them would probably be devoted to peculiar trades and callings, and into such papers a vast increase of advertisements connected with those trades and callings would be poured. At present the reduction of the advertisement duty was not so profitable to the public as it ought to be, because the monopoly of the London papers enabled them to keep up a disproportionably high price on advertisements; the effect of a vast competition would be, to lower the proprietor's profit on advertisements, to make advertisements considerably cheaper, considerably more plentiful, and, therefore, while most advantageous to the public, most profitable also to the revenue. But the principal source of profit that would arise to the Exchequer from the mere repeal of this tax was in the increase of the paper duty alone, and this, he was persuaded, would be so enormous, as of itself to do more than compensate to the revenue. Just let them compute what the increase of the paper duty would be. He supposed, that they abolished the tax, and made papers as cheap as they were in the United States; they would have—should he say—as many?—newspapers in proportion to the population. No, only half as many as there were in the United States. But there, to every 10,000 inhabitants, there was a daily paper, selling at least, 2,000 copies. He supposed, that in Great Britain and Ireland, there was a daily paper to every 20,000 inhabitants, selling at the same proportion. What would be the result? Why, for a population of 24,000,000 you would have 720,000,000 sheets of paper published yearly. Now, then, papers pay a duty of 22*s*. per 1,000 copies—let him say 20*s*.—that was 1,000*l*. for every 1,000,000 papers; the produce, then, would be 720,000*l.* for the paper duty of the 720,000,000 papers; but at present there were only 30,000,000 papers published throughout the year—that was, the profit they yielded to the paper duty was only 30,000*l.*; deduct that 30,000*l.* from 720,000*l.*, and there remained for the extra paper duty, for the new profit to the revenue, 690,000*l.*, or about 150,000*l.* more than the whole profit of the tax he asked them to repeal. So that he could now say to the noble Lord, "Throw aside, if you please, the plan of the postage; believe, if you like it, that not a paper would be sent to the post; believe, that not a pamphlet, a tract, or a circular, but what would be sent by the coach at the charge of 1*s.*, rather than by the post at the charge of 1*d.* Suppose, too, that not a single advertisement would be obtained by any of the newspapers, and that the advertisement duty remained the same, and yet, by the increase of the paper duty alone, you would gain 150,000*l.* more than the present tax, which you allow to be a barrier to knowledge and a premium to immorality." Had he made out his case?—was it necessary to say anything further? One or two observations alone remained; in the first place, he should propose his resolutions in the most moderate and general terms possible; he should merely propose to repeal the stamp duty on newspapers at the earliest possible opportunity; he should say nothing about the postage (he had merely thrown that out as a suggestion); the certain substitute to the revenue was the repeal of the tax itself in the increased amount of paper duty, and he was unwilling that any man objecting to a postage should pretend thereby to excuse himself from voting against the tax upon knowledge itself. If the resolution were carried, the noble Lord would not be put to any immediate inconvenience; it would only establish the principle, which the next Session would suffice to carry into effect. When the hon. member for Bath last Session brought forward his Motion for National Education, what was the reply made by the noble Lord to his hon. friend? "I doubt," said he, "if a Government should establish education; its duty ought to be not to enforce knowledge, but to give every facility to knowledge." He now called upon the noble Lord to discharge that duty upon the principle which the noble Lord himself had then laid down,—he called upon the noble Lord to give every facility to knowledge,—he called upon the noble Lord to remove the tax; because it was the great national obstacle to knowledge. He was no alarmist, he did not behold a storm in every cloud, or a revolution in every change. A great nation was not easily made, and a great people were not easily undone. But oppressed as they were with financial difficulties—old and new principles at war—the elements of their legislative constitution almost at open discord with each other—it was above all things necessary that whatever changes might be forced by the multitude upon their rulers, should emanate from their enlightenment and not from their passion or their blindness. If there were a spectacle which all true patriots, all statesmen of large views, beheld with exultation or delight, it was the gradual rise of a great people into power by the necessary and safe consequence of knowledge alone. But if, on the other hand, there was one prospect from which all honest men recoiled with dread, it was in times of difficulty and trouble, the advance of the giant force of a democracy from whom the opportunities of knowledge had been carefully excluded; who, therefore, had only the stimulus of want, without the perception of relief, and who were exactly calculated to frustrate the objects of liberty, because they were impatient of restraint. He called upon the noble Lord to preserve them from that danger—he called upon the noble Lord to fulfil the pledge which his public character, for nearly thirty years, had given to the country in favour of his attachment to the diffusion of knowledge—he called upon the noble Lord to be alive to the high ambition worthy his principles and his name—to open the prison-house of the mind—to remove the fiscal chains that now fettered and cramped opinion—and finding knowledge the monopoly of the rich, to leave it the inheritance of the poor. The hon. Gentleman concluded by moving the following resolution:—"That it is expedient to repeal the Stamp-duty on newspapers at the earliest possible period."

Mr. *Roebuck* seconded the Motion. He did not think this proposition could be resisted by those who, for the last twenty years, and before they had attained office, advocated the principle contained in it. He did not intend to rake up the carcasses of buried speeches; it was sufficiently known without such quotations, that Ministers had maintained the principle. They were the advocates of every plan for the diffusion of knowledge, and it was for them, not for him, to reconcile to themselves and to that House, their settled and determined hostility to the measure now proposed to facilitate the diffusion of intelligence. They would not say, as in other instances, in which they turned their backs upon the principles which they formerly countenanced, that the measure of Reform had done away with the necessity for that now proposed. Reform made no difference; and if Ministers were really inclined to advance the progress of knowledge, and aid the circulation of intelligence amongst the people, they would, at least, agree to the removal of the Stamp-duties from newspapers. They had exhibited much eloquence upon this subject when they sat on the Opposition side of the House; but what would be thought, if, when now in place, they retired from the field, and said, they could not do that, which, before they so earnestly urged on others,—if, seated warmly on the Ministerial Benches, they denied the validity of their former arguments and exertions? If any words in the language were adequate to express, or rather, if the fitting and appropriate language would come at his call, none would be sufficient to express the deep indignation he felt at the conduct of that class of men who could use the subterfuge of such expressions to creep into power, and then, when in place, did not dare to go on with the measures of which they had previously been such ardent advocates. The times were now more favourable to the proposed measure, than at the period when the speeches were made. There was not now the same spirit abroad as in 1819, the existence of which was urged as an apology for the Laws then passed against the liberty of the Press; and those who could advocate the principle of the proposed measure then, could not, surely, shrink from its maintenance now. The population at present, were tranquil and knowledge-seeking, and if, in their search after knowledge, the food furnished them was bad and deleterious, the cause of the evil was to be found in the Stamp-duties. They talked of Cobbett's Two-penny-trash, but what was it compared to those? [Here the hon. Member produced some copies of the unstamped weekly papers which at present so abound.] Did hon. Members know, that 130,000 of these circulated every week?—and what was the doctrine inculcated by them?—inculcated, too, without any opportunity of reply being afforded, and in a manner in which no efforts of the Stamp-office could succeed in putting them down. The hon. Gentleman then proceeded to read extracts from one of the unstamped publications, the object of which was, to show that the people were stronger than the authorities, and, if driven to the necessity, possessed a power of resistance with which the latter could not cope. The writer called the soldiery "man-butchers," denominated the capitalists and men of property the "cannibalocracy," and the upper classes the "scoundrelocracy." The articles went on to controvert the position, that the discipline of the police and the money at the disposal of the authorities would render them too powerful for the people, and, in reply, urged the advantage of position which the narrow streets would afford to the latter—that with huge paving-stones they could from the house-tops completely pulverize a couple of military ruffians at a single blow—that they could with cabs, stage-coaches, and gentlemen's carriages, in a very short period erect such barricades as would astonish the sharers in the feat of the memorable July; and if fire-arms were necessary, there were plenty lying in the hands of the gun-makers which could be easily procured. Such was the nature of the publications which were disseminated in such numbers. Such was the poison, the administration of any antidote to which was prevented by these duties—for who, having a good object in view, would venture to begin by breaking the law? It should be remembered, that to put down the present unstamped newspapers was impossible; and that they would still continue to circulate, in spite of any law. What then was to be done? His answer was, circulate cheap knowledge of a better description, and depend on the inherent good sense of the people to receive what was good and reject what was bad. The hon. and learned Gentleman alluded to the ignorance of the laws which prevailed, and to the recent case of the Dorsetshire labourers, a case, which, if good and cheap publications had existed, would probably never have occurred.

Cheap newspapers would be made the means of promulgating the law, and prevent those daily violations which too often took place through sheer ignorance. This question was one which more particularly demanded attention at the present juncture. There was arising a new and singular feeling amongst the people; a feeling which affected not the forms of government, but the very frame of society; a feeling which made it a question, not between aristocracy or democracy, but between labour and capital. What were the Trades' Unions?—what the constant cries about the minimum of wages, but manifestations of this spirit? These doctrines had gone forth—the people had considered them—and if they went wrong, it would not be their fault, but the fault of those, who, having the power, refused to give them instruction. The best mode of giving them instruction was—by cheap newspapers. The class of persons whom it was desirable to enlighten, were not those who would seek pure literature or pure instruction. It must come to them with the ordinary incidents of the day. To instruct them, it was first necessary to interest them, otherwise, the best intended efforts would fail. The Society for the Diffusion of Useful Knowledge, though composed of most enlightened and benevolent men, and sending forth to the world most useful publications, had not succeeded in putting their works into the hands of the mass of the people. They were prevented from touching upon such subjects as would at once interest and instruct the poor man, by the Act which forbade them to treat of matters on Church and State, without first obtaining a stamp. They had indeed, shaved pretty close to the law. The poor man would not trouble himself about what interested the rich. He did not care for literary pleasures. His life was at stake—his life depended on his wages, and this was the subject he was anxious to be instructed on. If the duty were repealed, then he might be instructed on what wages depended—he might be taught, that strikes and Unions availed nothing—he might be taught how gradually and steadily he might succeed in procuring a just reward for his labour. What had been the object of these Trades' Unions, and the publications connected with them? He knew, that one thing they attempted was, to effect a simultaneous suspension of work all over the kingdom for three weeks. If that had been accomplished, the evils of those three weeks might have taken more than three years to remedy. But if they thought that these Unions were evil, they should remember that instruction, and not the strong arm of the law, was the only effectual instrument to put them down. The hon. and learned Gentleman concluded by calling on his Majesty's Government not to be inconsistent with their professions when out of office, and no longer to maintain these pernicious duties.

Lord *Althorp* said, the hon. Member who opened the debate complained of the apathy with which the House had listened to him, and the hon. and learned Gentleman who followed him did all he could to produce excitement by making a personal attack on him. If such, however, had been the hon. and learned Member's object, his attempt must be considered a failure. He would give a further proof that it was, by passing over every observation directed against himself. He thought that the opinion of the majority of that House was decidedly against the Motion then before them, and the apathy of which the hon. Member complained was one of his strongest reasons for opposing the Motion. The House would recollect, that last year he admitted, that it was his intention to take into consideration the propriety of repealing this tax; but, upon further consideration he had resolved not to do so. That announcement was received with approbation by the House, and one great reason why he would not consent to the Motion was the manner in which his former intimation was received. He believed, that many persons in that House and in the country generally were inclined to go further than himself in reduction of taxation. To this he did not object; but he believed that, in the present state of the demands of the country for repeal of taxation, he should not do wisely in selecting this impost as one to be abolished. It had indeed been contended that, by the plans proposed, not only the whole amount of the present tax would be made up, but that a great increase even might be fairly anticipated. This conclusion, however, appeared to him to be founded on erroneous calculations; for if a postage were charged upon newspapers, it was quite clear, that a large amount of newspapers would no longer be sent by the post, as they could be sent in quantities cheaper by many other modes of conveyance. He did not therefore, think he could calculate on a very great increase in the postage revenue. With regard to the supposed increase of newspapers themselves, and the consequent increase in the consumption of paper, he was convinced, that both the hon. Gentlemen had miscalculated, and had greatly exaggerated, the probable amount. There would be an increase no doubt; but not to such an amount as to make any sensible increase in the receipts on the duty on paper. In fact, he doubted not, if the duty on newspapers were taken off, that there would be a considerable reduction in the revenue, though probably not to the full extent of the tax. During the last Session it would be remembered, that the duty on advertisements was considerably diminished; and what had been the effect of that diminution on the number of advertisements? Had it increased them to any great amount? No, it had not. An increase certainly had taken place, but it was a slight one. He was aware, however, that this fact was by no means conclusive, for so long as the private charges on newspapers continued to be high, so long they could not fairly expect any great increase. But still it could not be said on consideration of this circumstance, that the argument by analogy arising from a comparison of the number of advertisements in America, with England was fairly applicable. He had hitherto argued this as a fiscal point only. The other point on which the hon. member for Bath had laid great stress—viz., that the operation of the tax on newspapers was to give a monopoly of circulation amongst the poorer classes to cheap publications of an evil tendency, and to prevent the counteraction of those pernicious doctrines —was one of much greater force, and one which he admitted had always great weight in his mind. But he thought the very statement of the hon. and learned Gentleman had shown, that as the law at present stood, the mischief alluded to might be obviated to a much greater extent than the hon. and learned Gentleman seemed to imagine. The hon. and learned Gentleman had stated, that the labouring classes did not care for disquisitions about pictures, insects, and literature; what they desired was the discussion of questions relative to their wages. Now, he did not see what there was in the law as it at present stood to prevent any explanations in the most popular form from being given on this head. This argument of the hon. and learned Gentleman, and his assertion, that the labouring classes would read no disquisitions which were not combined with the news of the day, seemed somewhat contradictory, and was also contradicted by the fact that a very large number of cheap publications not having this intelligence were sold weekly. He was indeed aware, from private communication with the hon. member for Bath, and from other sources, that the amount of pernicious and mischievous publications was great indeed; but he was not quite so sure that the effect of repealing the Stamp-duties would tend very materially to diminish such publications. He was not quite so sure, that well intentioned would supersede the sale of bad-intentioned publications. Had not the claims for reduction of taxation been so great, he might perhaps have taken a different view of the question. But when there were so many different claims, especially from the labouring classes, who as the hon. and learned Gentleman truly said, looked more to substantial relief from physical evils than to the pleasures of reading or the improvement of their minds, he felt that so long as such claims continued to be made on the Government he should have extreme difficulty in bringing forward a proposition to reduce so large an amount of revenue, and which proposition, moreover, did not appear likely to give any great satisfaction either to the House or to the country. If, indeed, the House were inclined and anxious to make the experiment, he would not object. No doubt it might, under such circumstances, be an experiment worth trying; but he was not yet satisfied that the effect would be such as both the hon. Gentlemen seemed to anticipate. At present therefore, he could not venture to propose to the House such a reduction. Then came the question, whether he should agree to pledge the House by the Resolution proposed? He did not think it desirable to pledge the House by the Resolution as to the course they would adopt in a future Session, especially in a matter of revenue. For these reasons, without wishing to deny the force of many of the arguments which had been brought forward, but feeling great doubts as to some of the conclusions to which the hon. Gentleman had come, he was sorry to say, that he felt it his duty in the situation in which he was placed, to oppose the Motion. He had been accused by the hon. and learned member for Bath of inconsistency with respect to this question. He felt that he was frequently liable to be attacked on the score of inconsistency; at any rate, he frequently was attacked, much more frequently than he thought he deserved. He had, however, felt it his duty to state the grounds on which, at the present time, he felt it his duty to oppose the Motion. He did not think on this question he could be fairly accused of inconsistency; for he was not aware that he ever had advocated in that House the Repeal of the duty on newspapers; though it was certainly known that his private opinion was in favour of its Repeal, if it could be made consistent with his public duty, in regard to the revenue of the country. As a public man, however, he had not, he believed, expressed any opinion on the subject. Under present circumstances he must vote against the Resolution.

Mr. *Hill* was happy to find, that the noble Lord regarded this question merely as a fiscal one, and had given the House to understand, that if it could be shown that the revenue would not suffer by the repeal of the duty on newspapers, his objections to that measure would be greatly removed. Now, he was confident, if the duty were repealed, that the revenue derived from newspapers would be as large as before, if not larger: for the natural consequence of reducing the price of an article greatly in demand was to increase its sale. He was convinced by the calculation of Mr. Maclaren, on which he could place reliance, that the consumption of newspapers in America as compared with their consumption in England, was as five to one; the population of the two countries being taken into account; and it was calculated, that supposing the population of both countries equally dense, the consumption in America compared with that in England, would be as much as ten to one. Comparing New York and England together, it would be found that, in point of fact, the consumption of newspapers in the first-mentioned place was in the proportion of eight to one. Coming nearer home, he ascertained that in the islands of Jersey and Guernsey, where no newspaper duty existed, there were thirteen different newspapers, two of which appeared twice a-week, making in the whole fifteen publications in the week for the small population of those two islands; yet from the inquiries which he had made, he understood that in this country it took on the average 60,000 persons to support a weekly publication. If the duty on newspapers were repealed, he might safely say, that their circulation would be increased in the proportion of six to one; and he believed also, that the number of advertisements would be increased, for at present the newspaper duty operated as a bar against the reduction of the price of advertisements. In America the rate of charge for advertisements was 1½*d.* per line; in Jersey and Guernsey 1*d.* per line, while in this country it was as high as 9*d.* per line, after deducting the duty. The number of newspaper advertisements in America was twenty to one as compared with the number in England; and if the newspaper duty was repealed, the increase of advertisements consequent thereon might be calculated at three times their present amount. Another source of revenue had been already suggested—he alluded to the postage on newspapers. In the year 1830, 13,000,000 of newspapers passed through the London Post-office, and if 7,000,000 more were added, as the number carried by post in the country, it would appear that 20,000,000 newspapers, or two-thirds of the whole number published, had passed through the different post-offices in that year. Now, supposing that 1*d.* be paid for every paper sent by post that would yield a considerable sum; and, to put an end to any objections that might be made as to the difficulty of collecting the money, he would adopt the suggestion of a person well qualified to give an opinion on the subject—he alluded to Mr. Knight, the publisher. That gentleman recommended that a stamped wrapper should be prepared for such newspapers as it was desired to send by post, and that each wrapper should be sold at the rate of 1*d.* by the distributors of stamps, in the same way as receipt-stamps. He had already stated, that he expected from the repeal of the Stamp-duty an increase in the sale of the newspapers in the proportion of six to one, and he really believed that, taking into account the increased amount of paper duty, of the advertisement duty, and the money raised by the proposed charge for postage, the revenue derivable from 600 unstamped newspapers would be equal to what was at present drawn from 100 newspapers. The following was an account of the money now received by the Exchequer on account of 100 newspapers:—Stamp-duty 1*l*. 6*s*. 8*d*.; duty on paper, 2*s*.; duty on advertisements, 8*s*., making 1*l*. 16*s*. 8*d*. Now supposing that by the repeal of the Stamp-duty the sale of newspapers increased six-fold, but that the number sent by post, which in 1830 was equal to two-thirds of the whole number published, remained as before, it followed that the number transmitted by post would only be one-ninth of the increased number of newspapers. Then, out of 600 papers, sixty-six only would pass through the Post-office, and the amount of revenue derived from the sale of stamped wrappers for them would, after making an allowance of twenty per cent, be 4*s*. 5*d*., the duty on paper would be six times what it was before, or 12*s*., and the duty on the increased number of advertisements would amount to 1*l*. Thus, while at present the Exchequer received 1*l*. 16*s*. 8*d*. from 100 newspapers, it would, under the plan he proposed, receive as much as 1*l*. 16*s*. 5*d*. from 600 newspapers. But it was not merely on fiscal grounds that he was disposed to argue this question. Did the noble Lord recollect how important it was to a commercial community to encourage the diffusion of intelligence through the medium of advertisements and news in the daily papers? He for one should be glad to see the duty on paper and on advertisements repealed, for it did appear a practical absurdity for the noble Lord to be granting money for the support of schools and colleges with one hand, and with the other laying a tax on those who were willing to purchase education for themselves. In disseminating public education, much of the seed would doubtless take root, while some fell upon the rock, and some were lost by the wayside; but the education which a man procured, and paid for himself, would stick to him and be valued by him, and would be exercised as well for his individual advantages as for the benefit of the State. Let it be recollected, too, that the existing law was too impotent to put down the unstamped publications, and that consequently it gave a bounty to the contraband trader. From information which he had received, he was induced to believe that the unstamped newspapers had increased to a frightful extent. He did not blame Ministers for not having put down this evil; but he thought that their attempts to do it by individual punishments was only inflicting private pain without producing any public benefit. Let the House recollect the effect which the use of one of these unstamped publications had upon the poor man—they taught him to violate the law. A poor man, in taking in any one of these publications, felt that he was setting the law at defiance. And let them look at the awful results which attended these incipient violations of the law. The offences which took place in agricultural districts gave melancholy proof of the effect of thus teaching men that the law could be set at defiance. And who were those who wrote in these illegal publications? Persons of desperate fortunes, reckless of what might happen to them, and ready at all times to go to gaol or suffer persecution. Could such individuals be safely intrusted with the teaching of the people in this country? Were their honest opinions likely to be in favour of order, of the institutions on which the particular form of Government in this country was founded, or of the institutions on which society itself depended? Yet the existing law gave a bounty to this class of writers, whilst it imposed a tax on the publications of men of respectability, station, and education, whose honest opinions were likely to be in favour of the institutions of the country. An hon. Member had alluded to certain cheap publications, and among the number to the *Penny Magazine*, which he characterized as trumpery. He should be sorry to think that the *Penny Magazine* was a trumpery publication; but if it were, he could not hold himself free from blame, for that publication was a project of his own. He wished that he could admit that the Society for the Diffusion of Useful Knowledge had penetrated deeply into the masses of the people. It had not, nor would the exertions of that or of any other society be able to do so, unless their works carried with them the stimulants of news and politics. He, however, thought that the Society for the Diffusion of Useful Knowledge was entitled to credit for what it had done. It had gone deeper into the mass of the people than any other society whatever, and its publications were more generally read than any other of a similar character. But it had done this by honest means. If he thought, that the law was kept in any particular state to favour that society, he would not continue a member of it. The Society taking the law as it was, had availed itself of all the advantages it could command, to as great an extent as possible, and it was disposed to avail itself of any new state of the law by carrying out the principle on which it acted to as great an extent as the law permitted. But he would refer to the *Penny Magazine* for another purpose distinct from the attack of his hon. friend. It had been found that, of the unstamped publications, from which news and politics were excluded, the good outnumbered the bad in an immense proportion. For while *The Penny Magazine*, *The Saturday Magazine*, *Chambers' Journal*, *The Mirror*, and others of the same class, together with the tracts of various societies, circulated at least 500,000 copies per week; those which were tainted with obscene or irreligious matter, or had nothing but frivolity to recommend them, scarcely reached a combined sale of 30,000. That was his answer to the question, whether the people might be trusted with the power of selecting for themselves—give them a choice upon any approach to equal terms, and they would reject the bad, and adopt the good. Repeal the tax, and sound political journals would soon reduce the sale of all others to insignificance. There had been, he was aware, and he supposed that there were still, in the country, those who thought that it was not good to give increased means of knowledge to the mass of the people, and that they could be more easily governed by being kept in ignorance. The day, however, for the assertion of such a principle was now gone by. There might have been some colour of an argument for that before the passing of the Reform Act, but that Act had altered the case. The people had now political power, and would any man attempt to say, that the will of the people was not law in this country? In saying this he did not speak of the impulses of the people directing them—he said nothing about their passions being their guide; but this he would say, that henceforth it would be impossible for this House, or for any Government, to set at nought the sober, just, and considerate will of the people. Ignorance might make them the enemies of the Government, why not take such steps as would make them its friends? Let them have the means of information, of correct information and correct reasoning on all matters connected with their interests—that was, with the interests of the country. No more fit education in a knowledge on these subjects could be given than that which newspapers well conducted could afford. They contained the details of the debates in that House, which embraced a number of subjects of foreign and domestic interest, and were developed with talent and ability. Would it be said, that everything stated in this House should be thrown away? He, for one, would not pass such a censure upon this House. He would say, let every cottager in the country have the means of knowing what was said here; and he would add that, taking newspapers generally, they would afford one of the best lessons which should be given to the poor man, as at once his guide and his mentor. He should like to know if all the knowledge of Members in this House was gathered from Locke, and Paley, and Bentham? He would fearlessly say it was not. Much miscellaneous information, and that of a valuable description, was to be gleaned from the newspapers. Many hon. Members in the House knew the fact to be so, and if hon. Members had gleaned information from such a source, why should not the poor man have a similar opportunity of information? If this House felt any apathy in this case, he was persuaded it was not in reference to the question before them, but to the feebleness of the individual who was advocating it. He could assure the House that no subject more nearly touched the feelings of the thinking people of this country than that which was now under consideration; and he as firmly believed that no boon would be received with more gratitude than that which was sought for by the present Motion.

Mr. *Buckingham* would detain the House only with a very few observations. The noble Lord opposite appeared to think that there was a great indifference throughout the country upon this subject, and that any excitement that existed respecting it was confined to the metropolis alone; but he could assure the noble Lord that he was mistaken in this view of the question. He had good reason to know that there was a very general feeling throughout the country against those duties, which prevented the circulation of publications of useful knowledge and instruction amongst the people. In a tour which he had made through different parts of the country, there was not a town he went to in which there was a population of 20,000 persons that had not three or four cheap publications of the description that were now in circulation, to the great injury, he was sorry to say, of the morals and good feeling of the people; but these disgraceful publications were purchased with avidity and obtained a ready sale, because the people had no opportunity of procuring better vehicles of information at a price which they could afford. For his own part he was shocked and disgusted with the violent language used in those publications, and lamented to see them circulating amongst the people; but he could not blame the people for purchasing them when they had access to no other. These infamous publications it was, that caused the wide breach and separation that at present existed between the higher and lower classes of the people of this country, the consequences of which must be most baneful. The noble Lord had dealt with this question as a financial one; but even in that view of it he would contend that the noble Lord's calculations were erroneous. A proposition had been put forth some time ago in the *Edinburgh Review*, which was attributed to the late Lord Advocate, which he thought had a most clear and just bearing upon this point. The proposition there submitted was, that all periodicals, of whatever description, or treating on whatever subjects, should pay an *ad valorem* duty of twenty-five per cent on the selling price of the publication; and it was asserted that, by the increased circulation which this would cause to publications of that nature, a much larger amount of revenue would be thus derived than was produced by the present system of Stamp-duties. He would appeal to the good feeling, and the sense and justice of the noble Lord to give his aid towards the suppression of those injurious cheap publications which were now daily sent amongst the people, and that could only be done by giving encouragement to a better and a more wholesome food for the mind of the people. The sort of publications that now found their way into the hands of the lower classes were of the most demoralizing kind. They were calculated to destroy all respect for the Government, and for all law and order, and were particularly directed to bring the higher classes of society into disrepute and disrespect amongst the lower classes; for these mischievous works attacked without mercy not only the public but the private characters of men, not by reason or arguments, but they cut and hacked away with the hatchet and the tomahawk, dealing about blows indifferently amongst friends and foes. He considered it a very imprudent thing in any Government to encourage a system like this, so injuriously calculated to separate the higher from the lower classes of the people. The way to counteract this evil would be to afford facilities for sending amongst the people works of instruction, conducted by men of education and talent, and this could only be done by a total alteration in the present system of Stamp-duties.

Mr. *Ewart* did not consider, that the noble Lord had been at all successful in his defence of the present system. The ground taken by the noble Lord, who, indeed, seemed to be the only opponent of the Motion on the opposite side, was, in fact, a very weak one. It was, that cheapening the newspapers would not do away the mischief of those cheap publications which were now complained of. This was assuming the whole question. When it was admitted, that the public newspapers were generally conducted with ability, and might be read with advantage by the mass of the people, was it not an injustice to put such an advantage out of their reach by the high Stamp-duties which were placed on them? It was just as if the people were in want of a copper coinage, and that, to relieve that want, there was made an issue of small promissory notes. To say, that the diffusion of useful knowledge would be a great benefit to the community, and, at the same time, to tax such knowledge, so as to put it out of the reach of those to whom it was so necessary, would be just as reasonable as the attempt to make a commercial community rich without giving them a circulating medium. As the representative of a large provincial town, he felt himself called upon to resist all restraints placed on the provincial press. It was well known, that the newspapers published in the country towns were not only the means of conveying political intelligence, but of affording also much scientific and literary instruction. He much regretted, that taxes on knowledge generally had not been long since removed by the Government. There was one publication, that it was particularly desirous should be relieved from the operation of the Stamp-duties; he alluded to the yearly Almanacks. The Stamp-duties on these publications only produced 27,000*l.* annually, so that no great fiscal evil could arise from the abolition of this duty. The consequence of it, however, was, that a vast number of most erroneous and mischievous publications of a similar character were smuggled into circulation without any stamp. In the course of the last year, he believed there were as many as 200 calendars of this description published. He did not think, that this was a subject beneath the consideration of his Majesty's Government. That eminent writer, Beccaria, who had dwelt so ably on the importance of educating the people, had asked, "How could a government think of punishing the people for the commission of crimes, if it refused to afford them instruction as the best guide to avoid those crimes? If a government did not encourage virtue, how could it punish vice?" He hoped the time was not far distant, when the present Government would pay the necessary attention to this subject. He hoped, that in the approaching Session of Parliament, the noble Lord would prove to the country, that he was not indifferent to the instruction of the people; and that some pledge would, even now, be given, that the subject should not be neglected by the Government, for of all reforms, none was more needed or useful than this.

Mr. *Grote* said, that he should not detain the House long; nor should he have troubled it all had he not been intrusted with a petition praying for the repeal of the duties that were now the subject of discussion. He certainly entertained very strong feelings on the subject, for he attributed a great deal of the bad feeling that was at present abroad amongst the labouring classes, on the subject of wages, to the want of proper instruction, and correct information as to their real interests. From the absence of this useful knowledge, which could never be conveyed to the people while the present system of Stamp-duties prevailed, arose all the evils of the Unions that now disturbed that proper harmony that ought to subsist amongst the labouring classes in the relations of masters and workmen; and, he was sorry to say, that he feared those Unions were likely to increase and spread wider, rather than to subside. If there were proper channels through which the real interests of those men and the position in which they stood, could be fairly and candidly stated to them, they might very soon have their minds disabused of the erroneous notions as to wages which they now entertained and acted upon, but this could never be accomplished so long as the present Stamp-laws continued. He looked upon this as one of the most important subjects that could be brought under the consideration of the Government, not much less so than that very important measure respecting the Poor-laws which the noble Lord had introduced to the House. Nothing could be more important than instructing the people, and opening their minds to a proper view of their own and the country's interests. He should not prolong the discussion further than to observe, that he was sure, if the noble Lord would only exercise a little of that ingenuity which was supposed to belong to all Chancellors of the Exchequer—he would be able very readily to find the means of supplying any deficiency in the Revenue, arising from the repeal of the Stamp-duties, to which the present Motion applied.

Mr. *Edward Lytton Bulwer*, in reply, said, that no tax pressed more directly upon the people than the one which prevented their acquiring knowledge; and it was his determination to divide the House upon his Motion.

The House divided: Ayes 58; Noes 90—Majority 32.

List of the AYES.

Abercromby, Rt. Hn. J.
Aglionby, H. A.
Attwood, T.
Baines, E.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Blake, M.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Butler, Hon. Colonel
Chapman, M. L.
Ellis, W.
Ewart, W.
Faithfull, G.
Fielden, J.
Finn, W. F.
Fryer, R.
Gaskell, D.
Grote, G.
Handley, Major
Hawes, B.
Hill, M. D.
James, W.
Jephson, O.
Lister, E. C.
Marsland, T.
Molesworth, Sir W.
Mullins, F. W.
O'Brien, C.
O'Connor, F.
Ord, W. H.
Parrott, J.
Potter, R.
Richards, J.
Robinson, G. R.

Roche, W.
Romilly, J.
Romilly, E.
Ruthven, E.
Scholefield, J.
Scrope, P.
Staveley, T. K.
Stewart, Sir M. S.
Strutt, E.
Tooke, W.
Vigors, N. A.
Vincent, Sir F.
Wallace, T.
Wallace, R.
Ward, H. G.
Wason, R.
Wedgwood, J.
Wilks, J.
Whalley, Sir S.
Winnington, H. J.

TELLERS.

Bulwer, E. L.
Roebuck, J. A.

PAIRED OFF.

Bulwer, H. L.
Clay, W.
Hall, B.
Hawkins, J. H.
Hutt, W.
Maxwell, J.
Oswald, R. A.
Oswald, J.

Arrest on Mesne Process.] Mr. *Pollock* rose to move for leave to bring in a Bill for the Abolition of Arrest for Debt on Mesne Process. The House must be aware, that some time ago there was a report presented upon the subject by the Common-law Commissioners, in which many statements were made, and many interesting details given, with which it was not his intention to trouble the House on the present occasion. He believed that there was not any man acquainted with the Constitution of this country, who would deny that, as the law originally stood, arrest of the person was only permitted in cases where the plaintiff complained of injuries that had been perpetrated upon him by the defendant by force, and that arrest of the person for simple contract debts was, comparatively speaking, a modern practice. Though the avowed object of the practice was to compel the defendant to give security for his personal appearance in Court at the suit of the plaintiff, it was well known that, in ninety-nine cases out of 100, that was not the real object. The real object was to compel the immediate payment of the debt, or, by the menace of imprisoning the defendant, to compel his relations to discharge it for him, and thus it happened that the apparent seldom, if ever, coincided with the real object. He did not expect to hear any man assert, that the present state of the Law of Debtor and Creditor did not require amendment. He had the honour to be one of the Commissioners appointed to inquire into the necessity of its Amendment, and he was bound in fairness to admit, that the Report of those Commissioners had not been unanimous. One of the Commissioners had differed from his colleagues; but the majority had concurred in the propriety of bringing forward a measure of a much more extensive nature than that which he was now about to propose to the consideration of the House. Indeed, the recommendation, which the Commissioners had incorporated with their report, went much further than he intended to go that evening. Whilst there was any prospect of any Member of the Government coming forward to take up this measure on a broad scale, and with that extensive machinery which none but the Government could properly supply, he had declined to interpose in any way by bringing forward a motion of his own; and it was only now, when nothing but a faint chance existed of its being brought forward in this Session by one of the legal advisers of the Crown, that he came forward to propose a measure which he must admit to be partial and inadequate, but which, nevertheless, would give some relief in the case of debts which never ought to be made the subject of arrest. In order to remedy all the evils of the present system, it would be necessary to introduce a machinery much more extensive than he, as a private individual, could hope to induce the Government to adopt. What he proposed to do was this,—and it was in perfect accordance with the special enactments of many modern Acts of Parliament:—The House was well aware that, upon many simple contract debts, forms in writing were now necessary, where formerly a verbal agreement was quite sufficient. It was upon this ground that he proposed to make a distinction between verbal contracts and bills of exchange, promissory notes, bonds, and other instruments under seal, for the payment of money. At the same time he thought it only fair to state, that if a majority of the House should be of opinion that the provisions of this Bill ought to be carried further, and that arrest upon mesne process should be abolished, except in cases of fraud which he would hereafter specify, he, for one, should not object to such an extension of its provisions. It was necessary, however, to guard against the indulgence which this alteration would give to debtors, and therefore he proposed that the Courts of Westminster-hall, or one of the Judges, in cases of emergency, should have the power by rule or order to cause a party to be arrested in case it should be made appear to the Court or to the Judge, that the party against whom the application was made, either intended to run away from the justice of the country, or to transfer his goods to some other party, or by fraud to deprive his creditors of their just claims upon them. He candidly confessed, that though he was now bringing in this Bill, he confidently looked forward to the period when imprisonment for debt would be abolished in all cases where the failure of payment arose from the misfortune of the debtor, and when it would never be enforced except in cases of fraud. To him, it appeared, that imprisonment for debt was a most clumsy contrivance, even for the object which it was intended to promote, and which, in most cases, it was most effectual in defeating. As that system made no distinction between the unfortunate and the guilty, and as it placed it in the power of any creditor to help himself to the goods of his debtor, he did think that it required the early attention and consideration of the House. Having made these observations, he would only add, that the object of his Bill was, to abolish arrest for debt, except in the cases which he had already mentioned. He hoped that he had now stated sufficient to induce the House to receive this Bill. If there should be any gentleman anxious to carry the details of the measure further, or to state exceptions, which he had not already noticed, he should be most happy to take them into the fullest consideration. The hon. and learned Gentleman concluded by moving for leave to bring in " a Bill, to abolish arrest for debt, as to all debts contracted after the 1st of January, 1835, unless the debt be founded upon or secured by a bill of exchange, a promissory note, bond, or other security in writing."

Mr. *Baring* hoped this would not be treated like some other measures of proposed improvement in the law which were introduced at late periods of the Session, and suffered to pass without sufficient consideration of their consequences, and after very little discussion. Highly as he thought of the gentlemen of the learned profession, and of their theoretical knowledge, he must say they did not always prove themselves to be good judges of what was best in practice. He had much experience in such matters, and that experience led him to doubt whether the experiment would be a successful one. He anticipated quite a different result, and, in his opinion, the effect of the Bill, if carried, would be to encourage frauds, and to let loose swindlers upon society. Such, he was convinced, was the opinion of nine out of ten of the commercial men of this country. He never himself had a man arrested for debt. Indeed, men engaged extensively in commerce, seldom had recourse to such a means of recovering debts. It was said, a man's property should be answerable, not his person; but how, in many cases, could his property be got at without arrest? His hon. and learned friend said, the object, in nine out of ten cases, was to induce relations, from feeling or some other motive, to come forward and satisfy the creditor. And what evil was there in that? Was it not desirable that the honest creditor should be paid his just demand in this or any other fair way? The misfortune at present was, that all the sympathy was against the execution of the law, and not in favour of the honest creditor. He would only exempt the innocent debtor from imprisonment, and to that extent a change of the law would be salutary. It was said, in favour of such a measure as this, that it would put an end to the system of contracting debts. It was impossible that trade could be carried on without credit. Even persons with the largest capital could not do it. What was to be done with the young spendthrift, who contracted a debt with his tailor or any other tradesman, who had no means of payment, and who, by the appearance he was thus enabled to make, placed himself in the way of defrauding other honest men? By this Bill he would be protected, and the honest creditor defrauded. It would be very difficult to say, that a debt was not justly contracted for; it might be in the power of the party contracting it to say, that he had expectations. He would, however, defer the remainder of his objections to the second reading of the Bill; but in reply to his hon. and learned friend, he would ask in what manner could a creditor avouch his debt except upon his oath. He did not know any part of Europe in which there was an exemption from arrest for debt—no, not in America itself, unless it were by a very recent enactment.

Mr. *Richards* rose amid loud cries of oh! and said he was most anxious to record his disapprobation of the measure then before the House. His opposition was founded on a knowledge of the trade of the country—sufficient, he would hope, to warrant him in the course he felt it his duty to pursue. The hon. and learned Gentleman who had introduced the Bill, might dilate with great pathos and force on the hardships inflicted on the unfortunate debtor; but did he think at all of the deceived and disappointed creditor? It might do well for Gentlemen of the hon. and learned Member's profession to exclaim against imprisonment for debt; but it should be recollected, that members of the Bar gave no credit; they were paid in ready money. Far—far different was it with men in trade. He (Mr. Richards) had lost more by bad debts than he would like to name to the House. The present Bill, if carried, would be productive of the most serious evils. It would deprive the creditor of his just means of redress. It would, in fact, annihilate the business of the country. He begged pardon, it would increase the business of lawyers, and, therefore, they would be found among its most prominent supporters. He would appeal to any man of commercial knowledge who heard him, whether he was not correct in what he said. In fact, the Bill was introduced by those who were lamentably ignorant of the trade of the country, or were actuated by a pseudo-liberality, which might for a moment excite popular favour, but which would be found neither just in principle, nor correct in practice.

Mr. *Cutlar Fergusson* said, that the two hon. Gentlemen who had preceded him seemed to contemplate that there could be no debtors but swindlers. When it was said, that trade could not be conducted without the power of arrest on mesne process for debt, he was obliged to ask, had hon. Gentlemen ever cast their eyes upon such a country as Scotland? Did they recollect that there were such places as Dundee and Glasgow? For his own part, if he had any objection to the present Bill, it was, that it was partial, that it was not sufficiently extensive, that it did not go far enough. He could not see any reason why the holder of a bill of exchange or promissory note, or a bond, should have a right to seize the body of a debtor in preference to a creditor of any other description. He thought that fraud or the absconding of a debtor from the jurisdiction of a Court was the only justifiable cause for arresting the person of a debtor, and that simply because it endangered the prospect of the creditor's recovering his just demand. He was sorry, very sorry, to hear, that the hon. member for Knaresborough had lost so much money by bad debts; but the hon. Member ought to recollect that he had lost it under the present system of coercion, and that he could not be worse off even under the proposed system which he so much deprecated, and that, under either, he could not lose more than all.

Mr. *Tooke* gave the Bill his cordial concurrence. He wished to set the hon. member for Knaresborough right upon one point. So far from excessive legal costs arising out of this measure, the contrary would be the case. The main expense was now occasioned by proving book debts, which would be done away with by the present measure. Tradesmen would, in future, take written acknowledgments, and the cost of proving the delivery of goods would be avoided.

Mr. Serjeant *Spankie* was of opinion, that if we put an end to arrest for debt we should destroy the present system of credit, without which business could not go on in this country. The object of arrest was to compel the summary payment of debts which in many instances, could not be collected without such a process. The apprehension of arrest caused men to calculate before contracting debts, and its effect was to prevent litigation. He believed, that if the law passed it would let loose a spirit of adventure which nothing could restrain.

Mr. Alderman *Copeland* would be delighted to see the Law of Arrest for mesne process ameliorated, but entreated the House to pause before adopting a measure the effect of which would be to give one class of creditors a preference over others.

Mr. *Rotch* was opposed to the Law of Arrest as it stood at present, but apprehended that in small transactions it afforded the only security to creditors. On the whole, he thought that it would be well for the House to pause before legislating on the subject.

Leave was given to bring in a bill.

Reports of the Debates.] Mr. *Tooke* rose to move, pursuant to notice, that it be an instruction to the Select Committee on the business of the House, to consider and report on the expediency of establishing or encouraging the publication of an authentic report of the debates arising in the House relating to public and private business, and of the proceedings connected therewith. The hon. Member said, that it was well known, that however admirably the proceedings of the House were reported, for the information of the public, on questions of general interest and importance, still much of what was considered by the press of minor importance was omitted, while the private business which came before the House was altogether neglected. He thought in the present state of the country when that House was responsible to its constituents, that it was desirable that the fullest knowledge of what passed in Parliament should be communicated to the public, and while he would guard with jealous care the privileges of the House, he nevertheless conceived that, under the direction of the Committee, a plan might be adopted for recording their proceedings in such a way as would be attended with infinite advantage to the community at large. It was obvious that the publication of private business could not repay any individual, and that the object could not be effected unless the aid of the House were afforded for that purpose, or such advantages were given as should enable the channel which gave that description of business, to establish itself in the public favour. He did not wish to throw any responsibility on the House, nor to promote the interests of individuals, but he desired to obtain such information as the Committee could afford on the subject. He was conscious that the matter seemed to invade the privileges of the House, but he thought that objection might be obviated; and, further, he was of opinion that we had arrived at a period when whatever passed in Parliament ought to be communicated to the public. He put it to the House to consider the expediency of referring the question to the Select Committee on the business of the House, in doing which he did not think that they would compromise the dignity or privileges of Parliament. His object was, to examine into the best mode of ensuring the accuracy of reports of the proceedings of the House, and of extending a full publication of them. Having stated the nature of his Motion, he contented himself with presenting it to the House in the terms contained in the orders, and left it in the hands of hon. Members to deal with the matter as they thought fit.

Lord *Althorp* said, that the House should not agree to the proposed instruction to the Select Committee unless it thought the object of that instruction one which ought to be adopted. The question for the House to consider was, whether the proposed object was desirable. The subject had been discussed on former occasions when the general feeling appeared to be, that what was now proposed with respect to the debates would be more inconvenient than otherwise, if carried into effect. With respect to public business, he did not think that the public felt any great loss in consequence of the manner in which the reports in the newspapers were now given, for certainly, to the extent to which those reports could go, their fidelity and accuracy were such as created surprise rather than disappointment. If the report of the debates were to be further extended, and every word was to be taken down in short-hand as it should be spoken, they must reach an enormous extent in the first place, and in the second, he was afraid that the record would not do any great credit to the character of Members for the purity of the English which was sometimes spoken. In fact, the debates would be so voluminous that the public would never wade through them. He had spoken of the reports of public business; and with respect to private business, he must add that he did not think when any matter of importance to the public in that way came before the House, that there was any deficiency in the reports even of that description of business. Certainly in ordinary cases of private business, where no opposition occurred, in which there was no contest or debate of much importance, but little notice was taken of those proceedings in the newspapers; he could not, however, think, that upon this ground alone it was desirable to concur in the hon. Member's motion. Having heard Gentlemen at different times moot the same question, he was not now convinced of the expediency any more than he had before been of recording every syllable that was uttered in that House. The record would be so voluminous that it would not find readers; it must be in a great measure perfectly uninteresting to the public. Under such circumstances he did not think it desirable to introduce any change in the existing system. With respect to referring the question to a Committee already sitting on the business of the House, he anticipated no advantage from laying fresh matter before it. They had already had other instances of reports from Committees on the business of the House, which were not likely to be adopted; he referred to the report on the subject of taking divisions, and he saw no prospect of any advantage from an inquiry or recommendation as to attempting a verbatim report of their proceedings. He was convinced that great difficulties must arise in the course of any such attempt.

Sir *Samuel Whalley* observed, that he could well understand why members of an Administration might be reluctant to have their speeches reported at length, particularly if they had recently sat on the Opposition side of the House—lest by-gone speeches should be disinterred from their graves and quoted against their authors at a future opportunity. But there were other parties whose interests it was the duty of the House to consult—he meant the interests of their constituents, by whom Members had been sent to Parliament. It was right, that their constituents should be acquainted with the speeches and acts of Members. If Members wished to discharge their duty conscientiously, they would desire those whom they represented to be fully apprised of their proceedings. He was sure, that from one end of the country to the other there was no individual who would grudge the expense of an accurate report of all the proceedings of Parliament—none but would desire a faithful mirror of all that passed in the House, provided that the mirror were not so scrupulously accurate as to reflect in the strongest colours their occasional defects. He did not wish to interfere with the privileges of the House, the Committee would consider that subject. He might observe, that it would be possible to circulate the debates among Members themselves, without touching the question of privilege. He was of opinion, that it would be a national shame and a public loss, if the very able publication which he had in view in these remarks should be suffered to drop for want of funds. The debates in Parliament went to every nation in the world, and were commented on in every court in Europe [*Laughter.*] Gentlemen opposite might laugh, but it would be recollected that the noble Secretary for Foreign Affairs had formerly observed that the sentiments expressed by Members in that House would reach the autocrat of Russia, and read him an useful lesson. On that ground he was entitled to the noble Lord's support in the present attempt to procure a full account of speeches in Parliament, or if the noble Lord declined to support the Motion, he could never again make use of the argument before referred to. In conclusion, he should merely observe that he did not wish to prejudice or impair the privileges of Parliament—his only object in supporting the Motion was, to promote the public interest.

Mr. *Stanley* said: I cannot understand why any person who ever did fill the office of a public Minister in this country, or who does fill the office of a Minister, or whom anybody thinks should at any future time fill the office as a Minister—I cannot conceive on what ground such an individual should take the least interest whatsoever in the consideration of this question, or why he should imagine it to be one in the most remote degree personally interesting to himself. For with regard to the possibility of raking up long-departed speeches to which the hon. Member who last addressed the House has alluded—I say with regard to any speech that a Minister of the Crown may have delivered within the last eighty or 100 years, there are at present ample means for reviving it, and I would add, there are also persons quite willing and fully prepared to rake up such speeches—nay, half sentences extracted from them, whether so quoted and garbled as to disagree with the context and spirit of the body of which they form imperfect members it matters not—and this, it may be, for the purpose of putting a different interpretation on the extracts from that which they will fairly bear, and in order to contrast in the strongest light and most unfavourable manner the past and present sentiments of the individual, whether a Minister of the Crown or in some other public situation. But every man who aspires to any public situation in the service of his country must appreciate at its due weight—that is, he must utterly condemn—all such attacks upon an apparent want of consistency in public men as are brought forward merely as claptraps, and for the purpose of producing a momentary impression against the sentiments now expressed in a present speech, but not as sound and valid arguments against the principles which it involves. So much on the subject of the sentiment with which the hon. Gentleman commenced his speech—a sentiment which, as applied to public men or Ministers, I cannot understand. But I can very well understand, that there is a class of persons who may have seats in this House, and whose speeches, with all the pains they can take, and notwithstanding their great merits, may not be so widely promulgated by means of the public press as the speakers wish. I can very well understand that there may be persons who having risen from being prime orators in a parish vestry, do nevertheless find themselves very inferior in the House of Commons. I can very well understand that there may be reasons why such individuals should repine that their speeches are not reported at length in the newspapers, and complain that their fame is not extensive enough. I can very well understand the grounds on which those Gentlemen may think the Press wrong in taking a different view of their weight and merits from that which they themselves entertain. I can also understand why, though the speeches of those individuals would be considered entitled to great respect and ample dimensions in a parish meeting or a country paper—I say I can understand, or at least imagine, why they form but a small part of the printed records of the debates in this House, and are rather underrated by newspapers, whose object it is to publish matters generally interesting to the country at large. Such being the case, I can very well understand why the plenipotentiary of the kingdom of Marylebone calls upon his brother Minister (the Secretary of State for the Foreign Department) to support a Motion the object of which is to circulate widely his important ideas, and give currency throughout all the courts of Europe to his powerful and comprehensive views. I can very well understand, that the dignity of the kingdom of Marylebone ought to be properly sustained by its plenipotentiary and representative, that he ought not to yield to the Foreign Secretary; and I can as readily believe, if the autocrat of all the Russias should happen to hear that the hon. Gentleman had denounced him in the House of Commons—I can easily believe, that in such an event, the Czar would think his empire gone for ever. The hon. Gentleman calls me to order, and cries "question." I am not aware in what respect I am out of order, and I always supposed, that it was not over civil to call "question" when a gentleman was speaking, especially if he happened to be speaking directly to the question. If the hon. Gentleman means to say, that I am not speaking to the point in debate, I maintain, and am ready to prove, the contrary. I am answering the hon. Gentleman's speech; and my object is to show, that those mighty interests in the country, which, according to the hon. Member, exercise so great an influence on the empire at large, and the whole of Europe, do now receive sufficient scope and currency,—that the feelings and sentiments of what is most important in the country, in the constituent and representative body, are carried all over Europe, and have due weight with every Power. But it appears, that some of those Gentlemen to whom I have before alluded, whose sentiments do not carry equal weight along with them, complain, that their speeches are not diffused so widely as they might desire. I am instancing the case which the hon. Gentleman himself puts. The hon. Gentleman says,—"I, the Representative of Marylebone, call upon you, the Secretary for Foreign Affairs, to join me in this Motion for the publication of an authentic report of the debates of the House." [Sir *Samuel Whalley*: No, not so.] Not so? Then I do not wonder, that the public Press should be occasionally mistaken. I think the authorized reporter of the hon. Gentleman will have a hard task. Certainly, if I were his authorized reporter, I should have put down, with the utmost confidence, that the hon. Gentleman called on my noble friend, the Foreign Secretary, to support the Motion. And why should I have done so? Because the hon. Gentleman stated: on the noble Lord's own admission, everything that falls from hon. Members in this House is circulated all over Europe, and must necessarily influence foreign powers; and, therefore, I, the Representative of the kingdom of Marylebone, call upon you, my noble colleague and Secretary for Foreign Affairs, to join me in this Motion for the communication of our joint sentiments in an authentic and influential shape to all the courts of Europe. Such were not exactly the hon.

Gentleman's words, but such was the spirit of his statement. [Sir *Samuel Whalley:* You have a very bad case.] "A very bad case," does the hon. Gentleman say? That remains to be proved. The question is, as to the advantage or disadvantage of the present method of publishing the debates as opposed to the system which the hon. Gentleman proposes. How does the present plan work? I have very often occasion to trouble the House; it is true I have little time to read the reports that appear in the newspapers of my speeches, or those of other Members;—perhaps the hon. Gentleman has more time, and devotes it to the perusal of his own speeches. [Sir *Samuel Whalley:* I do not read yours.] The hon. Gentleman says, he does not waste his time in reading my speeches, whatever time he may devote to his own. Well, I do not complain of my speeches being mis-reported; and neither will the hon. Gentleman, for he does not read them. But the hon. Gentleman complains, that there is not sufficient space devoted to the speeches of the Representative of Marylebone in the newspapers, the writers of which have an awkward trick of being guided by their own judgments, or, better still, their own interests, in the admission of matter which they give or withhold, in proportion to their belief of its importance, or the reverse. Is it surprising, that the newspapers should contain what the readers of newspapers desire to read, rather than what nobody could be found to read? Is not this reasonable? The hon. Gentleman says, "No, give us not a selection of readable and interesting matter, but the whole debate; every word that is spoken in Parliament; everything without misrepresentation or omission, no matter how full of repetitions, or how devoid of interest." Now, suppose the hon. Gentleman gets his authorized reporter to take down every word spoken within those walls, and the whole is published,—what will be the consequence? I will tell the hon. Gentleman:—the public won't read a word of it. What is the state of things at present? Are not the proceedings of the House published and circulated? They are, and that by authority. Every petition is stated, every stage of every bill, and all the proceedings on every Bill, public and private, are recorded. This by authority; and further, so far as the newspapers think the matter important or interesting to their readers, the details of proceedings go forth to the public. But the full debates, all long and tiresome speeches, repetitions, and inanities, do not go forth, because all of a considerable number of individuals connected with the papers, but not acting in concert, agree, that, in those debates, there is a great deal of needless and worthless matter, which nobody cares for, unless it be the particular speakers, and which the public would not read. The hon. Gentleman proposes, not to leave it any longer to the good sense, or, better than the good sense, to the interests of the writers of the newspaper press to decide what they will publish upon a consideration of what the community—their customers—will or will not buy. The hon. Gentleman proposes, that every thing done or spoken in the House shall be circulated by authority in future. [Sir *Samuel Whalley:* I proposed no change in what is now done; I merely said, that it would be a shame and a national loss if the only accurate report of our proceedings were allowed to drop for want of support.] Very well, the hon. Gentleman wants no change: he merely says, that it would be a national loss if the only accurate report of the proceedings of the House were allowed to fall for want of support. I presume the hon. Gentleman refers to the *Mirror of Parliament*? [Sir *Samuel Whalley:* Yes.] If so, all I can say is, that, as far as I have had an opportunity of judging, that publication has been conducted with great enterprise, skill, and ability. The right hon. Gentleman proceeded to say, that the question whether that publication must drop or not was one for the public to decide. If the hon. Gentleman was so anxious that full and complete reports of his speeches—such, no doubt, as appeared in the *Mirror of Parliament*—should be given to his constituents, why, the hon. Gentleman might distribute a number of *Mirrors of Parliament* amongst his constituents for that purpose. His constituents, of course, would be obliged to him for them; those who chose would read them, and those who did not would not; but it was rather too much to call on the public to pay for such a thing. He (Mr. Stanley) believed, that, in all matters of importance—in all debates of interest—the public Press, at the present moment, gave of what passed in that House as long, as full, and as correct accounts as the public wanted, as the public wished for; and that the publication of the debates, as now given in the daily papers, viewed as the means of conveying information to the public of what was done there, and as thereby the means of affording the check of public opinion on the proceedings of that House, and on the Members of it,—he repeated, that the publication of all important debates was, regarded in such a light, given in the daily Press to as large an extent as the public themselves thought desirable. Besides, it should be considered, that, even were any plan of this kind desirable, it must be attended with considerable expense to the public. During the last fortnight they had imposed 1,000,000*l.* on the Consolidated Fund. They had, during the last fortnight, placed upon it votes for 120,000*l.*, for 140,000*l.*, and for 520,000*l.* They had, in fact, placed to the charge of the Consolidated Fund during that period, a sum amounting to no less than 1,000,000*l.* sterling. Now, what was, in reality, the proposition of the hon. and learned Member? It amounted, in truth, to this,—that, as nobody read their speeches when given at full length, as the public did not think it worth their while to read the debates in such an enlarged form, and as the Members were anxious that their constituents should know all that they did and said in that House, therefore that the Consolidated Fund should have a charge imposed upon it for the purpose, the public paying for the publication of speeches, which the public, which nobody, would think it worth their while to read. He would again repeat that he would, if there was no other reason, object to this proposition, on the ground of the total absence of any necessity for it. The debates were given, as he had already said, in the public papers at present as fully upon all important questions as the public required; making the public acquainted, as fully as was necessary, with what every man said in that House. But, above all, he objected to the proposition, because it would go to establish a monopoly in the publication of the debates in that House, in opposition to the newspapers, which published sufficiently full reports at the present moment. He objected to the establishment of a monopoly for an authenticated authorized publication of the speeches delivered in that House. The present system of reporting the proceedings of Parliament in the daily papers afforded to the public as full an account of them as they wanted, and afforded as complete a check upon the proceedings of that House as the public could desire to possess; and he, therefore, objected to the establishment of an authorized monopoly in the publication of speeches, which no one would ever read when they were published.

Colonel *Davies* said, that they should adhere to the real question before them, and not wander into matters that had nothing to do with it. The right hon. Gentleman, in attacking the hon. member for Marylebone, had followed the example which he had condemned on the part of that hon. Member, and had indulged in sarcasm instead of employing argument. The question was, not whether the speeches of Ministers or of any other Members of that House were or were not fully reported; but the simple question was, whether, or not, there should be an authorized and authenticated publication of the speeches delivered in that House. All that was urged by his hon. friend on the subject was, that it should be an instruction to the Committee to take that question into consideration. The Committee might report, after doing so, that there was no necessity for any authorised report of the proceedings of that House, or they might report the contrary way. At all events, the question was one well worthy of being sent to a Committee for consideration. He was of opinion, that an authenticated publication of the proceedings of that House would be productive of great benefit. The right hon. Gentleman objected to the proposition on the ground of expense; but he would venture to say, that if they referred the matter to a Select Committee, it could be shown that they might have an authorized account of what passed in that House without costing the public a single shilling of expense. There was no one more ready than he was to admit the extraordinary accuracy with which the public papers gave the debates in that House; but it was perfectly impossible, that the daily papers could give all that occurred there at full length. The question, then, was, —whether they should not entertain the proposition for an authenticated publication of their debates, and send it to a Committee up-stairs for consideration. He supported the proposition, considering that it would be of great public benefit.

Mr. *Cutlar Fergusson* said, that he would not support the Motion, if the object of it was to establish a monopoly in opposition to the daily public Press. He, for one, would say, that the manner in which the public Press was conducted with regard to the debates in that House was such as hon. Members had no right to complain of. If hon. Gentlemen would only refer to the Reports of their speeches in the public papers, they would generally find, that when they were not reported at great length it did not arise from the fault of the reporters; but, that it was the fault of hon. Members themselves, who had not on such occasions spoken sufficiently well to entitle them to a detailed report. He (Mr. Cutlar Fergusson) believed, that, generally speaking, he was as shortly reported as any hon. Member in that House; but of that he did not complain. He thought, that if hon. Members would look to those speeches that were shortly reported, they would find, that in most instances it arose from such speeches being more deficient in point than those that had been given at greater length. The reporters were generally exceedingly happy in giving the points of a speech, and if an hon. Member should be happy in making points in his speech, he would have no reason to complain when he found those points preserved while the unnecessary verbiage was rejected. He would support the Motion, but he would repeat, that he would not do so if he at all thought that it would go to establish a monopoly against the public Press. He supported it because he thought, that it would be of great public advantage to establish an authentic record of all the proceedings in that House. It was not the interest of the public Press to give debates upon many questions, however important those questions might be to certain parts of the empire, at any length; and, indeed, it was often impossible for the daily papers, even upon questions of the highest public interest, to give the reports, owing to the time at which the debates occurred, at any length, if they would give them at all. Every one who attended that House was aware, that important debates often occurred at such late hours, that it was impossible for the reporters to do any justice to them. He had himself often heard good speeches delivered at two and three o'clock in the morning, when it was obvious to every one, that it was impossible that they could be reported at such a late hour at any length in the daily papers. It might be observed upon important debates, that while the speeches delivered early in the evening were given at great length, those delivered at a later hour, though perhaps more eloquent and important, were necessarily abridged in the daily papers. He himself could state several instances when subjects of the greatest importance were brought on at a late hour in the House, and where, without any blame attaching to those who conducted the daily Press, such discussions were greatly abridged, if not almost altogether omitted. It was obviously impossible, that anything like justice could be done to discussions that occurred after midnight, as important debates very frequently did in that House. There were also instances where the daily papers, it being their interest he supposed to do so, abridged to a very great extent discussions upon important subjects in that House. He could instance the discussions that occurred in Committee upon the East-India Charter. He had known a debate of five or six hours in that Committee despatched in seven or eight lines. He had known discussions upon the Scotch Reform Bill given with equal brevity; and he understood, indeed, that it was a general complaint throughout Scotland, that they could not tell what their Representatives said in the House of Commons. It was a general complaint throughout Scotland, that subjects relating to that country were not reported sufficiently fully. It appeared to him, indeed, that the discussions relating to Scotland might certainly be given at greater length than they usually were in the daily Press, the more particularly as Irish subjects occupied such a space in their columns; and the speeches of the Representatives from that country were given at such enormous length, while those hon. Members who had no right at all to complain on the subject actually complained, that their speeches were not reported. He thought, that more than justice was done to the speeches of those hon. Members, while there were no reports at all of several most important discussions relating to Scotland. It therefore appeared to him a great object to have a full and authenticated report published of the proceedings that took place in that House; any persons whose opinions were of consequence—any persons like Ministers of the Crown, filling high official situations; and who might have their opinions hereafter quoted in debates—it was of great importance to all such persons, that their opinions should be quoted correctly. No Members were so interested in that object as the hon. Members who sat upon the Treasury Benches. Though there were many things that passed in that House, that the daily newspapers might not think it worth their while to report; yet there was no doubt, that they were of importance to some portion or other of the people of England; and it would be, therefore, most desirable to have a full and authentic report of what passed there published. His right hon. friend said, that the public would not read such report when published. Those constituents who were interested in the subject would read the report of the debate upon it; and it was but right, that each part of the empire should know the part which their Representatives took in questions, to them, of great importance. He would therefore support the Motion, on the ground, that the people should have a full and authentic report of what occurred in that House. But it was said by his right hon. friend, that such an object would not be attained without great expense to the public. If it could not be otherwise done, he for one would abandon it till some future opportunity. But the hon. member for Worcester had stated, that it could be effected without one shilling of expense to the public. The question then was, whether they should not have a full and authentic report of what passed in that House. That was the question, and not whether they should establish the *Mirror of Parliament*. He thought, that such an authentic record of their proceedings might be established without any injury to the daily Press. He would therefore give his support to the Motion.

Mr. *Wynn* said, that he could scarcely comprehend what was exactly the proposition before the House. It was, as he understood it, for an authorized and authentic report of their debates, and then it was stated that they should be published without any restriction save the discretion of the authorized reporters. There was no medium—no alternative to choose between those two propositions. Either it must, after all, be left to the judgment and discretion of the reporter to determine what shall be given, and what shall be omitted, or they must have every word that was uttered given. Now, in attempting to report fully all that occurred, it would be impossible for the reporters to avoid numerous mistakes, owing to the noise and confusion which so often prevailed in the House. Was it intended to report at full length every word that was uttered, whether the question regarded a rail-road, which, though totally devoid of national or general, might be possessed of great local importance, or whether the question was one that affected and interested equally all the parts of the empire? Let them but for a moment reflect upon the immense length to which the publication of their debates would reach, if every word that was uttered in that House upon every possible subject should be reported. They usually extended their debates in the evening sittings to eight hours. They had to add to that the debates which took place at the morning sittings. They generally sat for that time four or five days in the week. They must therefore see what an enormous extent of space the debates of thirty or forty hours' duration would, if fully reported, occupy in any publication, and what an immense time it would take to read through such a mass of matter. It was perfectly impossible that there could be any demand for such a publication. It could only be published at the public expense; and it would be impossible to find persons to read it. It was impossible, as he had said already, seeing the noise which so often took place in the House, that a reporter could take down accurately everything that occurred. It would therefore be necessary, if there was an authentic report of their speeches, for which Members would consider themselves responsible, that they should themselves correct their speeches, to see whether there was anything in them that they had not uttered. Now, it would be utterly impossible for Ministers, and for Members connected with the law, frequently to address the House, if they should be obliged to correct the report of every speech that they delivered. That they would be obliged to do so was manifest, if they established an authorized publication of their proceedings, as all Members would be responsible for their speeches inserted in such publication. Where was the utility of referring such a proposition to a Committee? What advantage would a Committee have in discussing it, that was not attainable by the House at large? The question was, whether the proposition would be fraught with any public benefit, and whether it would not be attended with great public expense. He had not heard any plan proposed by which it could be carried into effect without expense to the public. If it could be done so, it was fit that the House should be made acquainted with such plan; and then, if the House thought that the plan was a good one; and that it would be advantageous to adopt it, the House might refer it for consideration to a Select Committee. He believed, that the best security for the proper and impartial publication of the debates of that House in the public Press was to be found in the competition of that Press. At present, he was of opinion, that upon all important subjects, the debates were correctly given, and as fully given, as the public desired. He recollected, however, that some years ago a different system was adopted, and that a complete misrepresentation of the speeches of particular Members appeared in the daily papers. He remembered, that in one instance, the late Mr. Tierney having given some offence to the Press, his speeches were for a long period altogether omitted. With respect to the debates in the Committee on the East-India charter, to which allusion had been made, it did strike him, that though the matters which were discussed in that Committee were of great importance, yet, that the speeches made upon them had been so often repeated, that if they had been published in the daily papers, no one would be found to read a word of them. It was either intended by the present proposition that a full report of all that occurred in the House should be given, or that selections should be made of the most material and interesting points in each discussion. That selection should be made upon the responsibility of an editor appointed for the purpose by the House; but if that editor should happen to curtail the speech of an hon. Member shorter than he thought it should be given, that Member might say to him, "I have as good a right to have my sentiments reported fully, and they are of as great importance to my constituents, as those, for instance, of the hon. member for Dublin, or of any other hon. Member; and why should not I be reported as fully?" A great portion of time would, therefore, if the system of selection should be adopted, be taken up in answering and satisfying the complaints of Members who would complain, that they were not as fully reported, or at as great length, as they wished and deserved. He would certainly oppose the Motion.

Mr. *Buckingham* said, that he did not think that any one had ever advocated the proposition, that everything that was uttered in that House should be reported; but, at the same time, it was plain that an authentic record of their proceedings was much wanted. Every one who attended to their debates, and who read the reports of them in the public papers, must have been struck with the inequality of their execution. Now, he would just inform the House how that difference in the merits of the Reports occurred. There were some reporters so extremely skilful that they could give most correctly every part of a discussion; after them would come a second class of reporters who were not so skilful, and in their portion of the reporting the discussion, a commensurate degree of inaccuracy would be observable; and lastly, they would be followed by third-rate reporters, mere students in the profession, who, with the best intentions to report accurately, would report everything wrong. Such was the cause of the different degrees of accuracy that might be observed in the different stages of the Report of a discussion in that House, as published in the daily papers. Nothing, besides, was more common than to find it stated in the reports in the papers, that the reporters regretted that they could not hear some observations; for instance, of the noble Lord, the Chancellor of the Exchequer, owing to the low tone in which they were delivered, or to the noise that prevailed in the House. There was no intention not to give the observations, whatever they were, on such occasions, for regret was uniformly expressed at their not having heard them. He himself recollected an instance where the hon. Baronet, the member for Hampshire, delivered an important speech on the China trade, which was dismissed in five lines in the daily papers, though the hon. Baronet afterwards published it in a pamphlet. It was, therefore, desirable that they should have an authentic publication for preserving such important discussions, and he thought that such a publication might be established without a single shilling of expense to the public. He (Mr. Buckingham) had had some experience in those matters; and he would undertake to show to the Committee, that it was quite possible to establish such a publication without its costing the country or the House a single shilling. He would undertake to show how that could be done, and how they could have all their discussions reported in the best possible manner. His plan was this—let four or six of the most skilful reporters that London could supply be employed for the purpose of taking down all the proceedings of the House, and let their remuneration be regulated according to the scale which the newspapers paid for the slips sent round to them. Something of the kind it was most desirable to effect. Of course, in giving the speeches in the various debates, all the surplusage would be removed out of them. He pledged himself, if the matter should be referred to a Committee, to lay before them a plan for carrying the object into effect.

Mr. *Moreton* said, that the question was whether they should refer a question relating to one of the grand privileges of that House to a Committee appointed for quite a different object. If it were necessary to refer it to a Committee at all, they should appoint a Committee for the special purpose of considering it alone. He did not think that the principle of reporting their proceedings as it at present existed called for any alteration. The present proposition involved a great privilege of the House, not only as regarded reporting, but as regarded the seeing strangers in the House.

Mr. *Shaw* said, that, as an Irish Member, he did not rise to complain that the debates upon Irish subjects were not given at quite sufficient length in the daily papers for all public and general purposes. The question was not, whether the system of reporting their proceedings in the daily Press could not be better, for he believed that for all public purposes a sufficient quantity of their Debates was given in the papers; but the question was, whether it would not be advisable to establish a publication in the nature of a standard, for the purpose of affording an authentic record of their votes and proceedings. He thought, that the establishment of such a publication would be productive of benefit, and he would therefore support the Motion.

Mr. *Wilks* said, that all the world was interested in having a complete, accurate, and detailed account of the proceedings that took place in that House; and it was of the utmost consequence to the country that such an authentic record should be established. If this subject should be referred to the Committee, they would be enabled to collect information as to what had been done by Legislatures in other countries on the subject. They would find that in the American legislature, a regular system of ample and accurate reports of their proceedings had been carried into effect. In France, too, it was perfectly well known, that certain funds were appropriated by the Legislature for the purpose; that a reporting newspaper called the *Stenographe* was established for the purpose; and that it was supported at the expense of the Government and of the Chambers. In that paper the speeches of the Members were given in full, as they had been spoken. The Committee might, in this way, obtain information as to what had been done in other countries, so as to establish what he conceived would be a great improvement here. He would therefore vote for referring the subject to a Committee.

Colonel *Evans* said, that he could not support the proposition of the hon. and learned Member. He thought that the plan was impossible in the first place, and, if possible, objectionable in the next. He quite concurred with those who thought, that the best security for the proper publication of the proceedings of that House in the daily papers was to be found in their competition. If the proposition was for providing better seats for the reporters in the House, and if, on the part of the reporters, it was shown, that they desired and wanted better accommodation he would be most anxious to support any proposition for providing them with it. But he agreed in the statements which the right hon. Gentleman, the Secretary for the Colonies, had made in opposition to this Motion. He agreed with him, that the public papers were the best channels for communicating to the public the proceedings of that House; and he agreed with him that no Minister, past or present, could feel any peculiar interest in such a question. He did not, however, consider that all the observations made by the right hon. Gentleman were quite consistent with the right hon. Gentleman's dignity.

Mr. *Sheil* said, he wished the right hon. Baronet the member for Tamworth had been in the House, for, upon the occasion of a complaint made by the hon. and gallant member for Devonport (Admiral Codrington) last Session, he occupied the House two hours and a-half, and very properly occupied it, with his vindication, and he brought down the *Mirror of Parliament*, and upon the *Mirror of Parliament* the right hon. Baronet founded his defence. ["*No, no*"] He appealed to the recollection of every Member in the House at the time. [Mr. *Stanley:* The right hon. Baronet referred to the *Morning Chronicle.*] He (Mr. Sheil) had a distinct, it might not be an accurate, recollection, that it was to the *Mirror of Parliament* he appealed. He did not say, that the right hon. Baronet did not refer to the *Morning Chronicle* for confirmation. Then here was an ex-Minister, on a question of importance to himself and also to the country, having recourse to this publication as a standard work, and a parliamentary record of his speech. His (Mr. Sheil's) reason for rising was, to call the attention of the House to this fact, as showing the importance of having some work which should be an authentic record of what was said in that House; and no persons were more interested in this than the King's Ministers, in order that the country might have an accurate record of their speeches.

Mr. *Stanley* said, that, according to his recollection, it was the gallant Admiral who brought down the *Mirror of Parliament*; and the right hon. Baronet stated, that he had never read his speech from the time it was delivered, but that his recollection was so and so; and he brought down, next day, *The Times*, the *Morning Chronicle*, and *Hansard*, which he quoted against the *Mirror of Parliament.*

Mr. *Sheil:* At all events, the *Mirror of Parliament* was quoted. He spoke in explanation, if the House thought this matter of fact deserved to be explained. It was plain, that there was a reference to the *Mirror of Parliament.* With all respect for the right hon. Secretary, he (Mr. Sheil) did assert, that it was to the *Mirror of Parliament* the right hon. Baronet appealed. The case then stood thus:—He (Mr. Sheil) brought the authority of the right hon. Baronet—an authority to which the right hon. Gentleman (Mr. Stanley) would be willing to pay deference. All he wanted to say was, that the *Mirror of Parliament* was quoted either by one side or the other. If it was appealed to by the hon. and gallant Admiral, the member for Devonport, was not his case made out.

Mr. *Cayley* said, that the vote he should give in favour of the Motion was not for the purpose of having daily reports, but to have an historical record. He wanted to refer to them as to *Johnson's Dictionary* or an *Encyclopœdia.*

Sir *Edward Codrington* said, that it was he who referred to the *Mirror of Parliament* as the document upon which he relied, as he was abroad at the time the speech of the right hon. Baronet was delivered. He admitted, that the *The Times* and *Morning Chronicle* and *Hansard* were produced against him, not, however, as contradicting, but as not confirming, the speech in the *Mirror of Parliament* professing to give the whole of the speech.

Mr. *Tooke*, in reply, observed, that he did not wish to have *verbatim* reports, but an authentic record. The expense would be very trifling, and he hoped the House would not refuse to avail itself of such a mode of ascertaining and recording its sentiments.

The House divided: Ayes 99; Noes 117—Majority against the Motion 18.

Baron de Bode's Claims.] Mr. *Lloyd* rose to move an instruction to the Committee on the Baron de Bode's claim, with a view of enabling certain claimants under the conventions entered into between Great Britain and France to be heard by counsel before the Committee in opposition to that claim. The claimants whose case he brought before the House rested upon such real and demonstrable grounds of justice, that he could not conceive there would be any opposition to his Motion. The claims of these parties had been recognized by the Lords of the Treasury in 1830 and 1832. The claim of the Baron de Bode was less grounded than their claims; but if he were allowed an *ex-parte* hearing before a Committee, and was to have an *ex-parte* report from the Committee, the funds would perhaps be appropriated, and the just claims of the present petitioners might be put off to an indefinite period. He merely asked, on their part, that they might be heard by counsel before that Committee. The instruction he moved was, that the Committee should take the matter into consideration, so far as to ascertain if the petitioners were interested in the fund, and in opposing the Baron de Bode's claim; and if so, that they might be allowed to be heard in opposition to it.

Lord *Althorp* said, that if the Baron de Bode should succeed in establishing his claim, the amount of the fund would *pro tanto* be diminished. The question, then, was, whether other claimants on the fund ought not to be allowed to be heard by counsel against the baron's claim? He thought that, in justice, the House was bound to allow them that privilege.

Mr. *Baring* said, that these discussions showed the inconvenience which must always result from yielding to personal solicitations, and making committees of that House courts of appeal for the purpose of administering justice. It appeared to him, that the necessary consequence of appointing the Committee to inquire into the case of the Baron de Bode was, to give a right to every other person whose claim had been rejected by the commissioners to be heard before the Committee. He wished the House and the Committee well out of the affair.

Motion agreed to.

HOUSE OF LORDS,

Friday, May 23, 1834.

MINUTES.] Petitions presented. By the Duke of WELLINGTON, the Earl of HARROWBY, Lord FEVERSHAM, and the Archbishop of CANTERBURY, from several Places,—for Protection to the Established Church.—By the Earl of STRADBROKE, from Loddon and Clavering, for Relief, and Protection to the Agricultural Interest—By the Duke of BUCCLEUGH, from the Provincial Synod of Tweeddall and Lothian, for an inquiry into the Cause of Drunkenness.—By the Dukes of HAMILTON and BUCCLEUGH, the Earl of HARROWBY and Viscount BERESFORD, from several Places,—for the Better Observance of the Sabbath.—By Lord TEYNHAM, from two Places, against Tithes; and for the Repeal of the Union.—By Lord SUFFIELD, from Holt, for an Alteration in the Sale of Beer Act.—By the Earl of RADNOR, from Montrose, against the exclusive Privileges of Corporations.—By the Duke of HAMILTON, and the Earl of CAMPERDOWN, from several Places,—for a different System of Church Patronage in Scotland.—By the Dukes of GLOUCESTER, BUCCLEUGH, and RUTLAND, Lord WYNFORD, and the Bishop of LONDON, from several Places,—against granting the Claims of the Dissenters; and by the Duke of BUCCLEUGH and the Earl of ELDON, against admitting them to the Universities.—By the Earl of RADNOR and the Earl of SUFFOLK, from several Dissenting Congregations,—for Relief to the Dissenters.

NON - RESIDENCE — PLURALITIES.] The Earl of *Harrowby* took the opportunity, on presenting some petitions in favour of the Established Church, of putting a question to the noble and learned Lord on the Woolsack upon a subject connected with those Petitions. A few nights ago, the noble and learned Lord laid upon the Table of the House two Bills for the alteration of several matters connected with the Church. Noble Lords were not generally aware of the intention to present those Bills on the evening when they were introduced, and it would very much serve the convenience of the House, if the noble and learned Lord would intimate when he should move the second reading.

The *Lord Chancellor* had no difficulty in answering the noble Earl's question, The measures to which he had alluded were, undoubtedly, of great importance; and in presenting them he had opened the contents shortly to the House, reserving himself for a fuller statement of the provisions on the second reading. Until the Bills should be printed, and their Lordships had had an opportunity of deliberately examining the provisions, they could not be aware of the great mass of details to which they applied. They went through the whole of the laws respecting pluralities, and the still greater and more complicated mass of enactments relating to non-residence. It, therefore, became necessary for the accommodation or their Lordships, and his own advantage in having their Lordships' opinions, that time should be allowed to elapse before they were called upon to pass their deliberate judgments upon these measures. A very experienced person in the law, to whom the Bills had been shown, from not paying attention to the relation which the different laws bore to each other, came to the conclusion that that part of the Bill which professed to set out the law as it was at present was erroneous. This showed what careful attention the measure would require, in order that its numerous and complicated details might be understood in all their bearings.

The Earl of *Malmesbury* was anxious to say one or two words upon the subject of the measure introduced by the noble and learned Lord the other evening, at an hour when no one was present, and very few knew of a measure of so much importance being likely to come before the

House. He certainly was totally ignorant of the intention of the noble and learned Lord. What was his astonishment upon finding, on the following morning, that such a measure had been allowed to pass, after an opening from the noble and learned Lord, without a single observation from the learned and reverend Prelates opposite. On inquiry, however, as to the cause of this singular silence, his astonishment was not much diminished, upon finding that not one of the learned and reverend Prelates was present. That fact should be known to the public, otherwise the public might think, that those right reverend Prelates were not so alive to their duties as they usually were. He should have wished, if he had had the opportunity, to have made some observations, particularly with regard to non-residence, for he believed a very great improvement had of late years been effected in that respect by the right reverend Prelates. Of his own knowledge he could say, that was the case in the part of the country in which he resided. He thought that, in common courtesy, the noble and learned Lord ought to have given the right reverend Bench notice of his intention to bring the Bills forward. The noble and learned Lord would have felt great surprise if he (the Earl of Malmesbury) had, during his absence, brought forward any measure respecting the Courts over which he presided, and just before the recess, when he would not have an opportunity for some days of making an observation upon the subject. He would naturally say, "Good God, how came you to introduce such a measure without notice?" In like manner, then, the noble and learned Lord ought to have given notice to the right reverend Bench upon a subject so nearly concerning the interests of the Church. At all events the public ought to be informed that the Bill had been introduced without notice of any kind having been given to those right reverend persons. He did not mean to cast any reflection upon the noble and learned Lord or upon the right reverend Bench. He merely stated his own opinion; and he certainly should be glad to hear the reason of the absence of the learned and reverend Prelates.

The Archbishop of *Canterbury* was under great obligations to the noble Earl who had last addressed their Lordships, as well as to the noble Earl who had put a question to the noble and learned Lord, with respect to his intention as to the prosecution of the Bills in question. The noble Earl who had last spoken had given him an opportunity of explaining why the right reverend Prelates were absent; they undoubtedly ought to have been present; and had they been aware that the noble and learned Lord intended to introduce the Bills, they would assuredly have attended in their places. He (the Archbishop of Canterbury) had been brought into a situation of great difficulty, and he had thus been called upon to speak on a subject before the regular time for discussing it. The necessity of offering an explanation had been thrown upon him. The clergy were naturally very anxious upon the matter. The measure had been long promised; and it was expected that when it came before Parliament, originating with the Government, it would have the sanction of the right reverend Prelates. Now, what was the fact?—for he should proceed to a short statement of facts. Why, the measure had been produced without a single observation from any one of the Prelates. Such being the case, there would only be two conclusions drawn from his silence—to one of which, it was stated, that persons must of necessity come, if no explanation had been afforded. The first was, either that the matter had been previously arranged between the Government and the right reverend Bench, and that the latter had given their assent thereto, and that it was agreed upon, that the Bill should be received with silence on their part on the first reading. The other conclusion was, viz.,—that the Bishops had been grossly negligent of their duty; because, when they knew—and he was supposing they did know—that Bills of the important nature, to which the attention of their Lordships had been directed, were about to be presented, they were either absent or they made no observations upon them. The clergy would not suppose, after what had been stated on former occasions by the noble Earl at the head of his Majesty's Government,—that measures of so complicated a nature, and of such vast importance to the Church, would have been brought forward without the opinions of the right reverend Prelates being asked respecting them. Nor could the clergy imagine that no communication ever had been made of the day when these Bills were to be introduced. He had himself brought forward a Bill two Sessions ago, which had received the sanction of their Lordships' House, upon one of these very topics; but it was lost in the lower House of Parliament. He regretted the circumstance very much, and he did not anticipate the result that his Bill had met with. That Bill, had it been carried into a law, he thought, would have very much diminished the evils complained of respecting non-residence, and several abuses which had crept in, would have been abolished. At the beginning of this Session, they were told by the noble Earl at the head of his Majesty's Government, that measures were in preparation for the regulation of these matters, and that, with the assistance of the Bench of Bishops, they would be carried into effect. That announcement was received with the greatest satisfaction by the Bishops. Some time having elapsed, he asked what was intended, when the noble Earl at the head of his Majesty's Government said, that such Bills were in preparation—that they were in the hands of the noble and learned Lord on the Woolsack, and that copies would be sent to him whenever they were in a sufficient state of forwardness. He rested on that expectation. It appeared to him, that nothing then remained for him to do. On Wednesday last, he had the honour of receiving from the noble and learned Lord the heads and abstract of a Bill for the regulation of these matters of pluralities and non-residence, and, at the same time, he was favoured with a most courteous letter from the noble and learned Lord; but there was conveyed to him no intimation whatever, either that it was intended to lay the Bill on the Table of the House, or when it was proposed to do so. When that communication was made to him, he supposed that its object was, to obtain his opinion, if not of the general principles, at least of the details of the Bill. At the same time, the noble and learned Lord did not communicate to him his intention of laying the Bills upon their Lordships' Table. On the day when those Bills were presented, it was the anniversary of the Society for the Spreading of the Gospel, when several of the Bishops were dining with the Lord Mayor of London; but had they been aware of the intention of the noble and learned Lord, they would, no doubt, have attended. He found from the public papers the day afterwards what had transpired, and an introductory speech on the occasion of producing the Bills had been made by the noble and learned Lord, who was represented to have said, that the abuse of non-residence "was an abuse which had crept into the Establishment since its separation from the Catholic Church, which Church knew of and recognized no such thing as non-residence." If he had been in his place, he could have stated, in the words of *Burn's Ecclesiastical Justice*, that, 'After all, these canons and constitutions were not intended to hinder or 'take away pluralities, but to render dispensations necessary, for a clerk was 'allowed to hold as many dignities or 'benefices as he could get, with the Pope's 'dispensation, which was easily obtained 'from his Legate or Nuncio residing here, 'on paying the sum required.' The author, in another part of his book, said,—'In the catalogue of faculties which were 'grantable at Rome in the time of Popery '(besides the common dispensations to 'hold two, three, or four benefices incom'patible), are these three that follow:—'First—A dispensation to whatsoever and 'how many soever benefices compatible to 'the value of 500*l.* a-year. Second—to 'the value of 1,000*l.* a-year. And, Third '—without any restriction; the price of 'each rising gradually, according to the 'degree of favour and profit.' And then this writer mentioned, as an illustration of the practice of holding pluralities whilst the right of dispensation rested in the Pope,—'The famous instance of Bogo de 'Clare, rector of St. Peter's in the East, 'in Oxford, who, in the eighth year of 'king Edward 1st, was presented by the 'Earl of Gloucester to the church of 'Whyston, in the county of Northamp'ton, and obtained a dispensation to hold 'the same, together with one church in 'Ireland, and fourteen other churches in 'England, in nine different dioceses.' But, he had entered into all these matters when his own Bill was before their Lordships; and he had then produced a list of pluralists in Catholic times, holding from two livings up to as many as thirty-six. Indeed, if any one would refer to the Statute of the 1st of Henry 8th, which was meant to restrain and limit pluralities, he would see, that it was provided, that the law should not affect any pluralist at that time, except those who had more than four livings. He should have made that observation in defence of the Church; for, though the fact was known as a matter of history, still it showed, that the existing system of pluralities was not established by the law of the Protestant Church, but by the Statute of Henry 8th. This was, however, rather a digression from the topic immediately before the House; and he must again be permitted to express his regret, that no intimation had been given to the Bench of Bishops that such a Bill was about to be brought forward. From the abstract of the heads of the Bill, which had appeared in the newspapers, he could say, that there were parts of it, which, had he been consulted, he should have most earnestly requested the noble and learned Lord to have omitted, before laying them on the Table. Nevertheless, he would endeavour to make the Bill as efficient as possible. From the feeling of the public mind, however, it would have been better to have the Bill as perfect as it could be, and even before it had been introduced at all, because, if any material alterations were made in it at the instance of the right reverend Bench, those alterations might be considered by the enemies of the Church as injurious to the measure, and thus additional calumnies might be heaped upon the right reverend Prelates. At a time when they saw measures taken by the public for the subversion of the Established Church, when every nerve was strained to make that Church appear odious, and to raise a hostile feeling against it, what must the public imagine, to see a measure of such vast importance —one which involved so much consideration, and had to deal with such serious difficulties—introduced without any discussion of its merits on the part of those best acquainted with the subject. Must they not infer, either that his Majesty's Government was careless of the opinions of the Bishops and the clergy, and thought it useless to refer to them for advice, or that the Bishops had been guilty of a dereliction of duty. This was the inevitable conclusion to which, he thought, the public would come. He thought, that the right reverend Bench had reason to complain of not being consulted on the occasion; but, as he had already said, he would endeavour to render the Bill efficient, and give his best assistance with that view. It was far from his intention, however, to give cause of offence to the noble and learned Lord, in what he now stated; and, although he must be permitted to complain, he did it not in a spirit of anger, but of regret, such as, he hoped, was becoming the station which he had the honour to fill. He did not in the least degree, consider that any personal slight had been offered him, for the courtesy evinced by the noble and learned Lord on all occasions towards himself, forbade any such interpretation. He believed, that no slight whatever was intended. He had detained their Lordships somewhat at length upon this topic, and had stated what he imagined would be the impression on the public mind. In the principle of the Bill he assented, because it was consistent with what, he thought, ought to have been adopted, and he would again repeat, that he should willingly lend his best assistance towards carrying the measure into effect with the utmost benefit to the community. He would not say, that all the good which had been anticipated, were pluralities abolished, would follow this measure, nor did he mean to enter into the question whether or not a strict enforcement of residence would afford that advantage to Christianity, which some persons declared would flow from it. Whatever their Lordships agreed to upon these subjects, he trusted would not be done because malevolent persons had raised a clamour against the abuses of the Church, and whose object was, to injure its stability, rather than with a desire to increase its efficiency. In conclusion, the most reverend Prelate expressed his obligations to the noble Earl for the opportunity afforded of giving the explanation with which he had troubled their Lordships, and he assured them, that he would give his best advice towards making the measures to which the attention of the House had been directed, as beneficial as possible.

The *Lord Chancellor* said, he was sure their Lordships would have heard, as he had done, with the greatest satisfaction, the concluding sentences of the speech of the most reverend Prelate. That satisfaction, he was sure, was above all personal considerations with their Lordships, as it was infinitely above all such feelings of his own, because, above all, he was anxious that the measures he had introduced should have no obstacles thrown in the way of the discussion of them, beyond those which arose out of their own merits. It had been to him a source of the highest satisfaction, though of no surprise, from his knowledge of the character, and his deep and unfeigned respect for the sincerity of the most reverend Prelate, to find, that with a disregard of any little punctilio, or any little apparent neglect in the mode in which the measure had been introduced —though he should presently show that there had been none—he was most happy, he repeated, to find that the most reverend Prelate was prepared to consider the measure upon its merits, and rather anxious to discover a means of supporting it consistently with his conscientious feelings, than to throw obstacles or difficulties in its way. This was to him a source of the purest satisfaction, because it argued well for the eventual success of the measure, which he deemed to be of vital importance to the well-being of the Church and of the country. But now, with respect to what was expected of him by the rules of the House in introducing such a measure to their Lordships, he thought, that no little mistake pervaded the statements both of the most reverend Prelate and of the noble Earl who preceded him. It appeared to be thought by them, that he had been going out of the way— that he had been deviating from the forms—that he had not proceeded according to the rules which regulated the practice of that branch of the Legislature in the mode in which he had introduced the measure. It was certainly true, that his experience of their Lordships' practice was—he was going to say unfortunately—short, but he would not say unfortunately, because he did not consider it a very great misfortune, but it was much shorter than that of many others of their Lordships. Still he had been long enough in that House to have been taught that he was not acting contrary to its usages in the course he had pursued. It so happened, that one of the first Bills, if not the first, which he had the honour to present to their Lordships, and which was now the law of the land, he, in conformity with the practice which he brought with him from the other House, rose and gave notice of, in the form to which he had been accustomed. What then happened? Straightway some half dozen noble persons jumped up and flocked about him, and some in kindness, no doubt; but others there were in whose faces he could perceive the expression of a certain satisfaction at having caught him tripping—at having so soon discovered that he who had come amongst them, with no consent of theirs, to preside over their proceedings, was not aware even of the forms and practice of the House. These noble persons came up to him then and told him, "Oh, it is not the practice here to give notice or to ask leave to bring in a Bill." This he remembered distinctly. Judge, then, of his surprise when he was now told, that he had acted irregularly or disrespectfully to the House because he had introduced a measure without notice. ["*No, no!*"] Well, then, he did not know what was the ground of the complaint against him. It was said now, that he had committed a breach of their rules when he had come down and made a speech—a speech not certainly longer than ten minutes in duration, and only sufficient barely to state what the objects of the Bills were, rather than throwing them down on the table and leaving their Lordships to get at their contents as they best might. If he had done so, he knew well what he might have expected, not indeed from the candour and sincerity of the most reverend Prelate, but from certain other quarters. It would have been said, that he had come down and trundled the Bills on to the table and left their contents to get into the Newspapers, and so let the public be informed of their contents before their Lordships knew them themselves. "Here is a to-do," it would have been said; "here are two Bills affecting the Constitution in its most vital parts, and they are placed before the public without one Peer being made acquainted with them." Then it was said, that he had introduced a measure chiefly affecting the Church in the absence of all the Members of the reverend Bench. This was not correct; for he explained the measure in the presence of two of those Members—an Archbishop and another Prelate. [The Duke of *Cumberland:* No, no, no.] "I say, yes, yes, yes; I say yes, because I know it. If any noble Lords doubt it, I will name the right reverend Prelates; they were the Archbishop of Armagh, and the Bishop of Derry." [Some noble Lords informed his Lordship, that the Archbishop of Armagh was not in Parliament.] He was informed, that it was the Archbishop of Cashel and not the Archbishop of Armagh; but that made no difference to his assertion. When he said, "Yes, yes," in contradiction to the cry of "No, no," he asserted, that there were two Spiritual Peers present, one an Archbishop, and the other a Prelate. Oh! but he heard a noble Earl, and an Irish Peer too, exclaim, that they were Irish Bishops. He should be glad to know what difference there was in such a question between an English Bishop and an Irish Bishop? He heard a noble Lord say, that it was an English question. True, it was an English question; but was it not also an Irish question, being an English question? Why, he had understood from very high authority in their Lordships' House, upon some former occasions, that there was only one Church, and now, when he asserted that there were Bishops present, up jumped an Irish Peer and cried, "Oh, but they were only Irish Bishops." Why, the Irish Bishops were undoubtedly as competent, and would no doubt be as ready, to defend the one Church as any of their right reverend Brethren; and had they not, for very obvious reasons, the same interests as the English Bishops in any such question? But then were there not lay Peers present who were English, and whose attachment to the Church was at least as strong as that of any Bishop, English or Irish, could by possibility be? He knew, that there were some of those present when he introduced the Bills, and he knew, also, that some of them were not the best friends to the Administration of which he formed a part, and who would therefore look with no little jealousy upon them to see that they were not unfit measures to be introduced in their Lordships' House. He delivered what he said in the presence of a noble Marquess connected with Scotland and with this country, from whose anxiety in support of the Church, he knew, that the measures would receive the closest scrutiny, and who did take part in the discussion. There was also present a noble Baron, formerly Chancellor of the Exchequer, than whom no man in the House was better affected to the Church of England, or more zealous in upholding its interests. Another noble Baron was present, who had spoken that night, and who had shown his attachment to every thing belonging to the Church, and his readiness to support pluralities by opposing the former measure of the most reverend Prelate for reducing their number. In the presence of all these noble Lords it was, that he had brought forward the Bills. Why, then, he contended, that he had taken the most harmless and the least objectionable course in delivering in the Bills in the presence of those noble Lords, and stating to them very shortly, as he did, their leading features. But if he were to be prohibited by the rules of the House from giving notice of any measure, and if, upon bringing them in, he was not to be allowed to give any explanation of their character, why, then, it was quite clear there was no absurdity so gross but that it might be given in to their Lordships, and read a first time, and so far receive their sanction. That could not be the practice of their Lordships' House; it was not the practice. There were many Bills in his recollection which he had himself introduced without notice, and, upon introducing them, had opened the subject at greater length than he did upon this occasion. Another objection from the most reverend Prelate was, that he had only given him the heads of the measures two days before they were introduced, and that he had given no intimation of his actual intention to move them. It was true, that it had so happened that he had only an opportunity of mentioning the subject to the most reverend Prelate, and two other right reverend Prelates; but it was unnecessary for him to say, that this did not arise from any failure of respect towards the House, or to any of its Members. The circumstances under which he had produced the measures were of a pressing nature, and he would state them shortly. It had happened to him to have taken, as their Lordships might recollect, a warm part against those most respectable and enlightened and excellent individuals who had approached their Lordships' House with a prayer for the separation of Church and State, by which they were understood to mean the abolition of the Established Church. Against this part of the prayer of the petition, he had given his opinion as strongly, and supported it by arguments as cogently, as he had the means of doing, although he had presented the petition to the House, stating, at the same time, that it was the bounden duty of the Legislature at once to remove all the just grounds of complaint against the Establishment. Having done this, it became him, then, in the shortest possible period, to redeem the pledge he had given to proceed to the removal of the imperfections of the Establishment, to increase its favour with the people, and thereby to promote its stability and strengthen its defences against those who would seek its destruction. He deemed the two measures he had introduced singularly adapted to promote those objects, and, so believing them to come singularly within the description he had given, it had been his wish to have them passed without any loss of time which could be avoided. The most reverend Prelate seemed to regret, and indeed made it a matter of complaint, that he had not consulted with the most reverend Prelate, and with the right reverend Bench before the measures were brought forward. He thought, if the most reverend Prelate reflected seriously upon what had occurred in two other instances of a somewhat similar kind, he would not be surprised at the course taken. Upon a former occasion, when the English Tithe Bill was under consideration last year, the Government entered into much confidential communication with the right reverend Bench, and much discussion took place amongst the learned Prelates themselves. The result was, that after a delay of several months, the Government was left precisely two hairs' breadths in advance of the self-same position which it occupied when the said communication and discussion commenced. He should in this case have tried the experiment again nevertheless; but when he recollected, that the most reverend Prelate had formerly brought forward a measure himself for meeting, or professing to meet, the evil of pluralities at least, and when he recollected that that measure was not only not like his own, but that, so far from satisfying him, it did not go near to satisfy him, or even in the direction of satisfying him; why, then, to expect the concurrence of the most reverend Prelate in his views would have been utterly useless—a result past all hope and expectation. But then, it might be said, that the most reverend Prelate's Bill passed that House, and that he (the Lord Chancellor) supported it, and that his noble friends and colleagues supported it. True, it was so; and he deeply regretted that that measure, limited and insufficient as it was, had not become a law. With respect to the animadversions on the conduct of the Government for not passing that measure, and the interrogations put to the Ministers to ascertain why they had not made the same exertions to pass it in the other House which they had made to ensure the passing of some other measures, all he could say was, that when they found it the determination of the other House not to pass the Bill in question, and that they might as well attempt to induce it unanimously to throw out the Reform Bill, nothing would have been more absurd than for them to have staked their existence as a Government upon a measure not their own, and which they did not deem sufficient to meet the evil to which it was to be applied. He still, however, regretted, that the measure was not passed, and he thought the other branch of the Legislature were wrong in treating it, as they did, only as a mockery of the expectations they had formed. He hoped, that these Bills would be received with more satisfaction, and that they would lead to the reconciliation of extreme opinions on both sides, and secure the objects for which he had professed they were intended. He must further say, that, upon a former occasion, he had not meant to charge upon the Protestant Church, that it stood alone in the abuse of pluralities, especially as compared with the Roman Catholic Church. He knew that, in the Roman Catholic Church, the evil of pluralities existed to a far greater extent than in the Protestant Church; and that, in conjunction with the abuse of dispensations, they had caused the Reformation. In the Roman Catholic Church, however, pluralities were prohibited by law, and were allowed by dispensations. By dispensations from the Pope, the dignitaries of the Catholic Church were permitted to hold several benefices. At the same time, it was only fair to the Catholic Church to say, that, in it, for one person to hold two livings was very unusual, and that non-residence was at present hardly known. It was not necessary for him to enter into the details of the measures, as it was not the proper occasion; but he would express his fervent hope, that by them they should purify the Church from one of the abuses which had been in all times the subject of the greatest clamour, and one which had always been appealed to with the greatest effect. The measure, therefore, he trusted, would not only take away from the enemies of the Church a most powerful weapon, but provide within the Establishment a new source of stability and permanence in the affections of its friends.

The Earl of *Malmesbury* explained,

that he had not stated the introduction of the Bill without notice to be inconsistent with the practice of the House. What he stated was, that it was usual for some communication of the character of a measure to be made to those immediately interested in it, and if a difference of sentiment existed upon it, then for it to be laid on the Table, and read a first time without observation. He had by his inquiry produced a statement, which to him had afforded the satisfaction, and which to the public would afford the satisfaction, of knowing that the right reverend Prelates were absent from ignorance, and not from a neglect of their duty, when such a measure had been brought forward.

The Duke of *Cumberland* was anxious to state, that he was not aware that any Bishops had been present when he dissented from the statement of the noble and learned Lord, and therefore he was mistaken in that dissent. But he would not be deterred from expressing his extreme surprise that the measure should have been brought in on that evening, when there had been, at an early period of the evening, in consequence of the Roman Catholic Marriages' Bill for Scotland having been announced for that evening, a fuller attendance of the reverend Bench than usual, and after they had all left the House. He was not present, as the noble and learned Lord had observed, when the Bills were presented. He believed, that their Lordships would do him the justice to admit, that few Peers were more regular in their attendance to their duties than he was. But he left the House upon this occasion in order to obtain some papers connected with the proceedings in the Warwick Election Bill, and, on going out, asked the noble and learned Lord whether there was any more business to come on, and was told by him in answer, "No, nothing more." After this assurance from such an authority, he thought he was not neglecting his duty in leaving the House. He could not but think it a most strange proceeding that such a measure should have been brought forward in such a House, and even in the absence of so many of the noble and learned Lord's colleagues, who ought to have been as much interested in it as he was himself.

The Duke of *Wellington* had staid in the House to a late hour on the evening in question, and left it in the confidence, that the House was proceeding to the Motion relative to the Warwick election. The noble and learned Lord had said, that there was no rule or form of the House requiring notice of the introduction of any Bill. He knew there was none. But he was sure that, however strictly right the noble and learned Lord might be upon the rule and order, it was the practice of the House to give notice of measures of such importance as this; and when such a notice was given, it was then usual to suppose, that the whole Cabinet were agreed on the measure. The noble and learned Lord was clearly, according to the rules of their Lordships' House, bound to have given notice before he took any such step as the introduction of these Bills; but what was the explanation which the noble and learned Lord gave for the course that he had pursued? Why, he told them, that he was aware that the Bench of Bishops would not agree to his measure. The noble and learned Lord admitted, that he knew he would have to encounter the strenuous opposition of every right rev. Prelate who sat in their Lordships' House, if he had thrown out the slightest intimation on the subject, and therefore it was that these measures were laid upon the Table without any previous notice. But he must insist, that it was not only the ordinary practice of their Lordships, but that it was required by the rules of that House, that notice should be given before any measure of this description was brought forward; and he must say, that if it behoved any noble Lords to adhere strictly to this practice and these rules, the observance was more imperative on the noble Lords connected with the Government than upon any other Members of their Lordships' House. They, of all other persons, were the most interested in preserving the rules and orders of their Lordships' House, and yet the noble and learned Lord had taken a step which was well calculated to destroy them. The noble Lords connected with the Government, instead of making an infraction of rules that were on all hands admitted to be good, were bound to show an example of adherence to them, in order that they might, on all occasions, be able to uphold them against others. But to pass from this part of the subject to what occurred when the measures alluded to were placed upon their Lordships' Table. He would not take up the time of the House by observations upon what passed upon that occasion; but he could not, at the same time, refrain from remarking, that one of the measures which the noble and learned Lord had brought forward went directly to affect his Majesty's prerogative, and this measure, the noble and learned Lord stated, had received the unanimous concurrence of all his colleagues.

The Marquess of *Lansdowne:* No, no; my noble and learned friend did not say so.

The *Lord Chancellor:* I did not say any such thing; but if the noble Duke wishes to know what it was I did say, I will tell him. What I said was, not that the measures had the unanimous concurrence of my colleagues, but that I had consulted with my colleagues upon the subject.

The Duke of *Wellington:* Well, then, the noble and learned Lord consulted with his colleagues upon the subject. Of course it must be known to the noble and learned Lord's colleagues, that the measure affected the prerogative of the Crown; but, perhaps, his Majesty's consent to it had been obtained. If, however, that was the case, why did the noble and learned Lord not come forward and state to the House the fact that he laid the Bills upon their Lordships' Table with his Majesty's consent? Now, the noble and learned Lord had not uttered a syllable from which it could be inferred that he had obtained his Majesty's consent. On the contrary, what he said was, that, on the preceding Wednesday or Tuesday, he had been pressed into giving his opinion on the question relative to the separation of Church and State, and, therefore, that it became necessary for him to bring in some measure to make his peace with the Dissenters. But was it not the business of the noble and learned Lord, instead of entrenching upon the rights of the Crown, to take care that the prerogative of his Majesty should not be infringed? The noble and learned Lord was the constitutional protector of the prerogative of the Crown; and unless, therefore, he obtained the consent of his Majesty to a measure affecting the prerogative of the Sovereign, the noble Lord clearly had not performed his duty. He was quite sure, that it was irregular to bring forward important subjects without notice, and he must repeat, that no Members of that House were so interested in preserving the rules and orders of their Lordships' House inviolate as the noble Lords belonging to the Government.

The *Lord Chancellor* must say, that the noble Duke, who had just sat down, had taken one of the most extraordinary courses on the present occasion that was ever adopted by any Member of either House of Parliament. The noble Duke said, that the line of conduct which he (the Lord Chancellor) had pursued in introducing these measures was not only inconsistent with, but a breach of, the duty which he owed to his Sovereign. Now, how that could be he was unable to understand. He should like to know how the noble Duke made out that the introduction of a measure without the consent of his Majesty trenched upon the prerogative of the Sovereign. The Royal assent was never given to a Bill on the day it was first presented, and, therefore, the noble Duke was wrong in this particular. He was clearly wrong with respect to the forms of the House, but he was even still more wrong in this instance than he was as to all the rest. It was not usual to state, that the Crown had assented to a measure before it had arrived at one of its ultimate stages.

The Duke of *Wellington* observed, that a different course had been pursued on a recent occasion by the noble Earl at the head of his Majesty's Government.

The *Lord Chancellor:* But that was an unusual course. The customary time for intimating that the Crown had assented to a measure, was either on the Motion for the second reading, or before going into Committee. It surely would have been extraordinary if he had said, "My Lords, I have the assent of his Majesty," before the Bill was brought in. His first step was to move, that the Bill be read a first time; and would it not have been absurd to tell them, that his Majesty had assented to the next Motion, namely, that the Bill be printed. And yet this was exactly what the noble Duke complained he had not done. But he (the Lord Chancellor) was literally in order in the course he had taken. It would have been irregular if he had stated, that the assent of his Majesty had been obtained to the measure, and it would not have been correct on his part if he had said, that he had brought it forward with the unanimous concurrence of the Cabinet.

His statement was, that he had consulted his colleagues; that the Bill had been submitted to them; but with respect to whether the consent of his Majesty had or had not been obtained, all he should now say was, that the stage for communicating that information had not yet arrived, and it was barely possible that it never would; for if their Lordships refused to entertain the measure with that calm, deliberate, and candid reception which he was convinced most of the right rev. Prelates, who sat in that House, were disposed to give it, he would not expose their Lordships to the disfavour—he used a mild term—out of doors, which its rejection might incur, but would save them from all unpleasant comment on the subject by exercising his own discretion and withdrawing it. It was not true, as had been stated, that the reason he had not given notice of his intention to bring forward these Bills, arose from the opposition which he anticipated from the Bench of Bishops.

The Earl of *Wicklow* said, although it was true that there were one or two Irish Bishops in the House when these Bills were brought in, it never could have occurred to them, that they were bound to communicate with the Lord Primate upon the subject, or that he was not aware of the intention of the noble and learned Lord to introduce such measures. Indeed it was not understood, that either of the Bills had any relation whatever to the Irish Church, although it was now stated, that they applied equally to both establishments. All he could say was, that if this was correct, the abstract of the Bill which appeared in the *Times*, and which, he made no doubt, was furnished to that paper by the noble and learned Lord himself, was incorrect. [The *Lord Chancellor:* No, not by me.] The noble and learned Lord denied, that the abstract published in the *Times* was furnished by him; but was it not a little singular that such an abstract should have reached the hands of the editor of a newspaper before the Bill was printed. Now, it was his opinion, that their Lordships had a right to complain of this publication. From this abstract, however, it appeared, that the Bill related not to the Church of Ireland, but to the Church of England and Wales; and, if that were the case, surely it ought not, in common courtesy, to have been brought forward in the absence of the whole of the English Bench of Bishops. Having stated thus much, he would only add, that on the evening in question, a noble friend of his had presented a petition regarding the condition of the Irish clergy; and the discussion on that subject having concluded, the order of the day for proceeding with the examination of witnesses in the Warwick Borough Bill was moved. After the petition to which he had referred was disposed of, and, on ascertaining from the noble and learned Lord himself that there was no more public business before the House, he went away, and, therefore, their Lordships might judge of the surprise which he experienced when he learned, that these Bills had been laid upon the Table.

The *Lord Chancellor* might have said, as the noble Earl stated, that there was no other business before the House. If he were asked by one, he was by forty or fifty noble Lords on the night fixed for the Scotch Roman Catholic' Marriages Bill, whether there was any other business, and his answer was, "the Scotch Roman Catholic Marriages Bill has been put off, and will not therefore come on to-night." But he begged to assure the noble Earl, and he might weigh and deliberate upon it as much as he pleased, that he (the Lord Chancellor) would not go out of his way an inch—a hair's-breadth—to save any measure of his from the observations, or any speech of his from being answered by either the noble Earl, the illustrious Duke, or the noble Duke. There might perhaps be some noble Lords, whose presence he could dispense with upon certain occasions, but their absence or presence was alike indifferent to him.

The Earl of *Winchilsea* thought, that common civility ought to have induced the noble and learned Lord to have consulted the heads of the Church before any such step as this was taken. It might be true, that the noble and learned Lord acted regularly in placing the Bills upon the table, but clearly he was wanting in courtesy in not having first communicated with the Bishops upon the subject. The noble and learned Lord had been led into something like warmth in resisting the demands of the Dissenters for the severance of Church and State, and a sudden thought seemed to have struck him, two days subsequently, that something must be done to operate as a peace-offering to that body, and hence this Bill. An impression had gone abroad, that the heads of the Church were not indisposed to the measures. This impression arose from the inference that was drawn from the silence of the right rev. Prelates who sat in that House; but it was now clear that they were ignorant that such measures were to be introduced, and could not, therefore, have opposed them. For his part, he knew not what the measures were; but this he would say, that, if they went to get rid of the abuses of the Church—if the object of them was to do away with pluralities and non-residence, they should have his support. He believed that there were 1,200 parishes, in which there was no resident clergyman, and that he considered an evil. He wished to know whether the measures were intended to interfere with the small livings in the gift of the Lord Chancellor as an officer of the Crown?

The *Lord Chancellor* replied, that neither of the Bills contained any thing relating to those livings, and therefore it was untrue, as the noble Duke had stated, that they in any way trenched upon the royal prerogative. With respect to the abstract that appeared in the newspapers, all he could say was, that it was utterly impossible it could have been prepared by him, or any person connected with him. He had not himself seen that abstract, but, from those who had, he learned that it was erroneous, and represented the Bill as unlike that which in reality it was. It stated, that a clergyman having a living of 2,500*l.*, might subsequently take another, provided the income of the second did not exceed 100*l.* This was not the case; and, if the abstract said it was, all he could say was, that it was very different from the Bill.

The Earl of *Harrowby* was understood to say, that before any measure of importance was introduced, proper notice of the intention to bring it forward ought to have been given. The Bills referred to, if he understood rightly, involved the whole of the Church Establishment, and, therefore, no such step should have been taken without first consulting the right rev. Prelates who were members of that House. The explanation of his most rev. friend (the Archbishop of Canterbury), mild and temperate as it was, like every thing that emanated from him, would remove the impression which had gone abroad, that the bench of bishops had been guilty of any omission on this occasion. With respect to the declaration made by the noble and learned Lord, as to the expediency of putting an end to pluralities and non-residence, all he need say was, that he (the Earl of Harrowby) concurred in that opinion, having himself, on a former occasion, endeavoured to remove those evils. If this was the principle of the Bill, he was by no means adverse to it, agreeing, as he did, that pluralities ought to be diminished; but, although he said so much, he did not think that a fortnight, a month, or even the probable extent of the Session, would afford sufficient time to consider the matter fully, in order to come to a just and proper decision upon it. Before any such step was taken, they should have the Report of the Ecclesiastical Commissioners before them. Without the information to be furnished by that Report, it would be impossible for them to judge of the extent to which they should go; and, although he had confessed himself favourable to the abolition of pluralities, he still thought, that hasty legislation, in so important a matter, was by no means advisable, and ought to be avoided. There were 700 livings which did not contain fifty inhabitants, and more than 1,000, where the number of inhabitants did not exceed 100 in each; and that being the case, he should like to know whether it would be right to insert, that each minute fraction of this kind should be at the expense of a resident clergyman? Such an idea was literally preposterous. Upwards of 2,000 parishes, the incomes of which were 80*l.*, 90*l.*, and 100*l.*, had no residences for a clergyman, although the inhabitants were numerous; and, in such places, he admitted, residence ought to be provided for, and the person who held the living disabled from holding any other benefice. If they wished to abolish pluralities, they should be prepared to pay the price for it. They should be ready to make the revenues of the Church in every parish in the kingdom sufficient for the support of the resident clergy. But could they call on the public to do this? He was by no means averse to a different arrangement of the revenues of the Church, provided the rights of property were not violated; and he would be willing to convert to more useful purposes parts of the Church establishment, which, though by some regarded as highly ornamental and useful, he could not help considering as partly ornamental, partly useful, and partly detrimental. He declared, that it would be wholly impossible to bestow upon the subject any thing like due consideration between this and the time fixed for the second reading of the Bill; and as he thought they would not be justified in absolutely putting an end to pluralities and non-residence, without full and ample information, he hoped the measure would not be pressed forward until at least the Report of the Ecclesiastical Commissioners was received. In any steps they might take, their object should be, the security of the Church, and, in no measure that was brought forward, should that object be lost sight of.

Lord *Wharncliffe* said, the noble and learned Lord had said, that before he brought in these Bills, he had consulted with his colleagues. He wished, therefore, to know, from the noble and learned Lord, whether they were to understand, that he had brought them in with the sanction of his colleagues, or simply on his own authority? He was free to admit, that the noble and learned Lord was a high authority; but still, when a measure of this kind came before their Lordships, and under such peculiar circumstances, it was only right that they should know exactly whether the Bills rested solely on the authority of the noble and learned Lord, or whether they had the sanction of his colleagues?

The *Lord Chancellor*, in reply, said, that an unusually wide course had been taken by noble Lords on the present occasion. It was, he believed, customary for members of either that or the other House of Parliament, though Ministers of the Crown, to bring in measures in their capacity of Members, and not of Ministers, without being stopped on the threshold by questions such as had been put to him. Now, he begged to tell the noble Lords by whom these questions had been put, that the measures rested on their own merits, and that, on the second reading, those noble Lords would have an opportunity of forming their own opinion as to what those merits were. For his part, he did not know that objection would be taken to any part of the Bills, and that was all he felt disposed to state at the present moment. The noble Earl (Earl Harrowby) had observed, that it was unfortunate that such measures should have been framed before the Report of the Ecclesiastical Commissioners was prepared. It was no doubt true, that, in consequence of this, they were much more imperfect than they would otherwise have been; but, as there had been no valuation of the revenues of the Church, since the time of Henry 8th, it was necessary to provide some machinery to effect that purpose. Should the Report of the Ecclesiastical Commissioners be received before the Bill had made any great progress, the information it might contain could be used; but, although it might perhaps be trusted as correct with regard to value generally, it was, nevertheless, clear, that inquiry would still have to be made with respect to value in particular cases. He begged, in conclusion, to say, that he was quite ready to receive any suggestion the noble Earl might think fit to make as to delay; but he must, at the same time, say, that, unless some other objections than those which had been stated were urged, he must continue of the opinion, that it was important that the measures should be passed during the present Session. If the noble Earl induced their Lordships to agree with him, it would be virtually and practically throwing the Bills out for the Session.

Lord *Wharncliffe* was satisfied with the explanation of the noble and learned Lord. He would only add, that he did not intend to throw any imputation on the noble and learned Lord.

The subject was dropped.

WARWICK BRIBERY BILL.] The House proceeded to examine witnesses on the Warwick Bribery Bill; and it having been reported by the officer, that Richard Lapworth, though summoned, was not in attendance, he was ordered to be taken into custody.

HOUSE OF COMMONS,

Friday, May 23, 1834.

MINUTES.] New Writ ordered. On the Motion of Colonel PERCEVAL, for the County of Fermanagh, in the room of General ARCHDALL, who had accepted the Chiltern Hundreds.

Bills. Read a first time:—Landed Securities (Ireland).—Read a second time:—House Tax Repeal; Church Temporalities (Ireland) Act Amendment; Newspaper Stamps (Ireland); Sale of Fish.

Petitions presented. By Mr. RIGBY WASON, Sir JAMES SCARLETT, Mr. LANGSTON, Colonel LYGON, Mr. CHARLES WOOD, Mr. HUMPHRIES, and Sir GEORGE SKIPWITH, from several Places,—against Clauses in the Poor Laws Amendment Bill.—By Sir EARDLEY WILMOT and Mr. HENRY LYTTON BULWER, from Persons engaged in the Ribbon Trade,—for a Board of Trade, and for Relief.—By Mr. ROTCH, from Bradford, against Trades' Unions.—

By Mr. Clay, from the Tower Hamlets, for an Alteration in the Law of Landlord and Tenant; from Tottenham, against Employing Children in the Sweeping of Chimneys.—By Mr. Briscoe, from Croydon, for an Inquiry into the State of the Medical Profession.—By Mr. Tooke, from two Places, against the Tithe Commutation Bill; from two Places, for the Better Observance of the Sabbath.—By the same, and Mr. Littleton, from several Places,—for Amending the Sale of Beer Act.—By Mr. Littleton, from two Places, against County Rates.—By Mr. Clay, from a Dissenting Congregation, against Church Rates; and from several others, for Relief to the Dissenters; from Poplar, for Amending the Metropolitan Police Act; from St. George's, Middlesex; and by Mr. Gaskell, from two Places, against the Poor Laws Amendment Bill.

Riband Weavers.] Sir *Eardley Wilmot* presented a Petition from Bedworth, and other places, complaining of the distressed state of persons employed in the riband trade. He lived very near these parishes, and could speak from his own observation of the distress which existed. He had visited hundreds, nay, thousands, of these weavers, and might venture to say, there was no part of his Majesty's dominions where so much abject misery prevailed. It was not for him to say what measures his Majesty's Government should adopt to remove the evil. The petitioners attributed their distress to the free-trade system. In the abstract, he was a friend to free trade, for when all manufactures were put on an equal footing in all countries, free trade must be beneficial; but that system of reciprocity had not been followed up. He had taken the trouble to extract the amount of the manufactured articles imported from France since the removal of the prohibition, and an increase had taken place every year. The amount in francs, for plain goods, in 1825, was 4,884,000; in 1831, 12,992,200:—figured silks, 1825, 71,500 francs; 1831, 511,940:—crapes, 1825, 43,560 francs; 1831, 227,656 francs:—ribands, 1825, 437,400 francs; 1831, 1,949,760 francs. In 1831, therefore, the quantity imported was four times as great as in any previous year. Although these towns were ruined, and 30,000 or 40,000 persons were starving, yet, throughout the country generally, trade was flourishing, and great benefit had resulted from the free-trade system. The country ought, then, to relieve those who had been sacrificed to the prosperity of others. It must be recollected that, in the manufacture of English goods, the labour was of greater value than the material, while, in France, the value of labour, as well as of the material, was much less; owing, therefore, to the pressure from taxation, and other circumstances, it was impossible for the English manufacturer to compete with his foreign rival. He hoped the Government would take it into their most serious consideration, and do something to relieve a class of people who were most anxious to support themselves by honest industry, and who had never been guilty of the least riot or intemperance in the midst of great distresses.

Mr. *Henry Lytton Bulwer* could also speak from his own knowledge as to the distress which prevailed in that district. The petitioners, as well as those to whom the hon. Baronet had referred, were anxious that Government should return to the prohibitory system. He was, however, sensible of the improvement which had resulted from free trade; but the system the hon. Baronet had mentioned, and that of free trade, were two very different things, and he concurred with the petitioners in thinking their interests had been sacrificed without attaining the benefits of a proper system of commerce. He wished to call the right hon. Gentleman's attention to the French tariff, for—although two gentlemen had been sent over to France to negociate with the Government of that country, and had been very industrious in collecting information—what was the state of things at the present moment? With respect to English iron and English cutlery, heavier duties were paid upon them than upon the products of other countries; and it was not for the sake of the riband manufacturers, or for the sake of the iron and coal mines, more than for the interest and success of the reciprocity system itself, that our Government should adopt some measures to induce the French government to come fairly into the system. At present, they said,—"We have every thing we want; our silks are admitted at a trifling duty; our ribands are admitted at so low a duty as to drive the English manufacturer from the market; and why should we alter our system?" "But," the right hon. Gentleman said, "it does not signify whether the French come into the system or not—we are equally benefited by it." If that were so, he should very much object to pay for the evidence which had been laid upon the Table of that House by Dr. Bowring and his colleague; for if the country derived the same advantages from the system, whether the French adopted it or not, it was rather hard that the country should have to pay for teaching the French what was best for their interests. But, however that theory might be worked out upon paper, it was contradicted in practice. What the Petitioners contended for was, that the trade having existed for a long period, large capitals having been invested in it, and a large number of persons being wholly dependent upon it for support, the Government were bound to give these persons some means of subsistence, and to see that the capital embarked in the trade was not wholly lost. The great difficulty which our riband manufacturers laboured under, was not so much from competition in the price or quality of the article, as because the French set the fashions in articles of millinery and dress; so that you might have a better riband made in England, and of a prettier design and colour, but the influence of fashion induced people to prefer an inferior article of French manufacture. The consequence was, that whatever might be the skill or industry of our workmen, it was impossible to obtain a market for their goods in France; and when French ribands come over here, our manufacturers were unable to compete with them for the same reason. He would only add, that these petitions were numerously and respectably signed, and deserved the attention of the right hon. Gentleman.

Mr. *Dugdale* concurred with the petitioners in attributing their distress to the free-trade system. From the time that the system came into operation, the riband trade had been becoming gradually worse and worse; and it was now almost annihilated, particularly with regard to the higher class of ribands. The fact was, that the large houses, which used to consume 7,000*l.* or 8,000*l.* worth of these ribands per annum, now only consumed 300*l.* or 400*l.*, which was, of itself, sufficient to show, that the trade was annihilated. The importation of French ribands also was increasing very much, for he understood from good authority, that, during the first three months of this year, the importation of French ribands had been double the quantity which was imported in the first four months of the last year. Smuggling was also carried on to a large extent. Duties would do these petitioners no good; what they asked was, an entire prohibition of the importation of French ribands. He hoped the House would take the case of these persons into its serious consideration, and endeavour to afford them some relief.

Petition laid on the Table.

POOR LAWS' AMENDMENT COMMITTEE.] On the Motion of Lord Althorp, the House resolved itself into a Committee on the Poor-laws Amendment Bill.

The second Clause was read.

Sir *Samuel Whalley* objected to this clause, and proposed to move a clause in lieu of it. With the permission of the Committee, he begged to remind it, that, on a former occasion, it had been decided that there should be a Board of Commissioners. It did not, therefore, rest with him to dispute the decision of the Committee, to which, indeed, he was bound to bow. He, however, called upon the Committee to modify this Board, and to make it as little objectionable as possible. The Legislature had always endeavoured to grant such institutions as should be consistent with the general feeling of the Committee. It was important, in making changes of this nature, that they should adapt them to the habits and manners of the people. The wiser plan would be, not to change altogether, but to engraft improvement upon that which already existed. All who read the history of a free people must be aware of the dangers attendant on great and radical changes. In any alterations about to be made, the safer way was, to inquire whether the existing machinery was improveable, and if so, seek from that what assistance it might be calculated to afford, and not throw away what might be available for useful purposes. During the discussions on the Slave Emancipation Bill, it was argued that it was absurd to imagine any benefit could result from that measure, unless that measure should meet with the co-operation of the local authorities and assemblies in the colonies. Arguing on the same principle, he maintained that, without the co-operation of the parochial authorities, no benefit could be anticipated from the intended change in the system of our Poor-laws. But he would ask the House how they could expect co-operation from the existing local authorities, when every day, and every hour, only convinced the House that all the local authorities were against the proposed measure? [" *No, no,*"] Had any parochial authorities presented petitions to the House, praying them to pass this Bill in its present shape? Had not almost every vestry in town and country petitioned against it? [" *No, no,*"] He was not prepared, perhaps, to say, that they had all actually presented petitions against the Bill, but most of the parishes in the country had either done so, or were preparing to do so. It was said, that the Poor-laws were administered chiefly by Magistrates; if they were, he was not one of those to join in the senseless clamour against that respectable body of men. On the contrary, when he thought of the fact that that body comprised 10,000 persons; that instances of oppression were scarcely ever heard of; when he thought of the powers which they exercised—of the discretionary powers with which they were invested, and how little those powers had been abused by the many,—he would maintain, that this country was under great obligations to her Magistracy, and that no country in all civilised Europe possessed such a body of unpaid functionaries of justice. He would ask the House to reflect why they were about to degrade in the eyes of the country and of Europe this body of men? Upon what ground were they about to declare them inadequate to administer those duties which they had hitherto discharged? Upon what ground were they now to declare the incompetency of those Magistrates, and to depose them from that authority which they had hitherto exercised? The Bill did all that. When it should pass, there would not be a country gentleman who would not become a mere cipher in the district where he might reside; and this they would find to their cost to be the case. The working classes of this country were now treading fast on the heels of the class above them; and was this the time to make experiments upon those institutions which had brought the country to her prosperity? Was this the time to disunite the bonds of society, and to make the poorer classes look to a new and inferior class of Magistrates for protection, rather than the gentlemen of the country, for whom they entertained a high respect? He would ask the House what authority they were about to substitute for that which now existed? They knew if a cockney wandered far from the land of Cockaign—with what feelings of contempt he was looked upon by the farmer! Now, he would ask the Members to picture to themselves a man in the twofold character of a cockney and an attorney in the person of a Commissioner—and he would ask them also, what would be the consequence of such an Assistant-Commissioner —(a little dapper gentleman, perhaps), entering a parish vestry in the country, to tell the farmers how they should manage their poor, &c.? At present, the responsibility of the overseer was lessened by the assistance of the vestry clerk; but the overseer was not wholly protected; and hence it was always difficult to find a man eligible to the office who would take it. Such being the present state of things, he would ask, what would be their position in future? In the first place, all their influence would be gone—it would be transferred into the hands of the Commissioners, and the Assistant-Commissioners. The desire to have the power of an overseer would exist no longer. In the next place it was to be remembered, that no man liked much to put himself under the authority of another. But the vestrymen under this Bill, would be subject to the complete control of these Commissioners; they would be bound to obey their commands with infinitely more subserviency than any servant of any hon. Gentleman he then addressed; they would be placed under greater restraint than any soldier could be, and there never could exist so degraded a state of slavery. Theirs would be a more degraded state than that of the slave, because he now had not the fear of excessive punishment before him—[" *No, no,*"] He said this advisedly. If the servants of hon. Gentlemen misconducted themselves, they might be dismissed; but the overseers, who received no reward for their services, were made liable under the Bill to be fined, to be imprisoned, and indicted for misdemeanour. He implored the House not to embark precipitately in this business. Why, the indictment for misdemeanour alone might ruin many a tradesman; and if a man unwittingly disobeyed the commands of the Commissioners, he might be committed for contempt, by Justices of the Peace. He would ask whether hon. Gentlemen could expect any other result than that either parties would refuse to fill parochial offices, or else that those offices would never be properly maintained? The whole 16,000 parishes of the United Kingdom, he was satisfied, would be placed in a state of inexplicable confusion. There would be none to carry the orders and regulations of the Commissioners into execution; there would be almost a servile war; and those fires which were now nearly extinguished would again blaze through the country. If any man would tell him that a man with a grain of sense in his head would consent to take upon himself the exercise of parochial authority, under such circumstances indeed, he would say, that he knew nothing of human nature. It had been said, that this plan resembled the plan adopted in France. He denied this; and he would show, by an extract from the foreign evidence published as an appendix to the report of the Poor-law Commissioners, what the French system of inspection in respect to the Poor-laws was. The hon. Member accordingly read the following passage:—'The 'Mayors, by virtue of their office as 'Presidents, have the right of inspec-'tion of the state of the funds and of 'the books of accounts of all estab-'lishments for relief of the poor. The 'Inspectors-General and Ordinary of the 'Finances have the same right at the re-'quisition of the Prefêt, Sous-Prefêt, or 'Mayor. These inspectors make their 'visits quite unexpectedly; they require 'to see all the books of accounts as they 'exist at the moment they arrive; as, by 'law the receivers are bound to cast up the 'accompts at the end of every day, the 'minutest error may be instantly detected. 'In addition to this, the Minister of the 'Interior, in the year 1828, formed a 'Special Commission for the inspection 'of *bureaux de bienfaisance* and found-'lings. An official letter was then ad-'dressed to the Prefects, stating that the 'extraordinary increase of the number of 'foundlings, the augmentation of ex-'penses, the various abuses of which com-'plaints were made by the Prefects, the 'resolutions of the general councils of 'departments, and reports on the admi-'nistration and accompts of charitable 'institutions, left no doubt, that great 'irregularities existed, and that it had be-'come indispensable, to re-establish order 'and economy: it was determined there-'fore, to form a permanent inspection of 'hospitals, *bureaux de bienfaisance* and 'the state of foundlings. The object of 'the mission embraced the examination 'of every part of these establishments, 'and was directed to give to the Govern-'ment information of the exact state of 'the administration of public relief, 'of the resources and wants of each 'establishment, and to propose, in con-'cert with the local authorities, measures 'requisite to improve their system of man-'agement. The administrators were in-'formed that it was not intended to 'examine their proceedings with an 'injurious suspicion, but to exercise that 'benevolent superintendence which forms 'one of the obligations which by law, the 'Government is bound to discharge as 'guardian of all institutions of public 'utility. The inspectors are instructed 'not to control the administrators in their 'proceedings in an arbitrary manner, but 'to offer them useful hints, and such in-'formation as may call their attention to 'those legal principles which ought ever 'to guide them in their honourable 'labours. The object of the Government 'has been, as much as possible, to leave 'the administration in the hands of the 'local authorities' That was nothing like the proposed plan; and he would suggest to the Committee, to adopt the French mode. The Board here ought to be similar to that in France—it should not control the local administration of the Poor-laws, but merely direct and guide it. No one could doubt, that if a circular were sent round to every Magistrate requesting him to refrain from any course which might be inexpedient, and to adopt an efficient course, that every Magistrate would obey such a direction, and have influence enough to carry into effect the intentions of the Legislature; whereas there would now be a constant determination evinced to throw up office. He would read to the House the clause he meant to propose in lieu of clause 2.

"And be it enacted, that it shall and may be lawful for the said Commissioners, and they are hereby required to prepare for the consideration of Parliament a Bill or Bills for consolidating all existing Statutes relating to the relief of the poor, comprising such alterations in the present laws, and such additional laws and regulations as they may think expedient."

The House would bear in mind that they had been told that these Statutes amounted to 800. The Amendment was continued thus:—

"And the said Commissioners shall and may, from time to time, prepare such further Bill or Bills as they deem necessary. And the said Commissioners shall and may frame a form or forms of accounts to be observed by all parishes in England

and Wales, for keeping the parochial expenditure under distinct heads; and abstracts of the total expenditure under each head shall, once in every year, made up to such period as the Commissioners may direct, be transmitted by all parishes to the office of the Commissioners in London, in order to their being there arranged, and laid before Parliament."

He meant further to provide, that every parish should make up annually to the Board of Commissioners, a return of their population. By these means, the House would be put in possession of the most valuable body of statistical information; for that which was now obtained by orders of the House was generally imperfectly obtained. He further proposed:—

"And it shall and may be lawful for the said Commissioners, and they are hereby required, to ascertain what parishes it may be expedient to unite for the purpose of having one or more workhouses for their common use, and, for that and other purposes, to prepare such Bill or Bills as may be necessary. And the said Commissioners shall have the power of examining the accounts of all parishes, and of ascertaining that the returns made to their office are correct, and of offering such written suggestions and advice to boards of guardians and to vestries as they may think proper. And it shall be lawful for the said Commissioners to visit all workhouses at such times as they may think fit; and they are hereby authorised and required to enforce the observance in all parishes in England and Wales of such rules and regulations respecting the relief of the poor, the appointment of overseers, the keeping of accounts, the management of workhouses, and the education and apprenticeship of children, as are or may hereafter be made by the authority of Parliament. And if any person shall withhold or suppress any parish books or accounts, or obstruct the said Commissioners in the inspection thereof, or neglect or refuse to make such annual returns within six weeks after the time appointed by the said Commissioners, or refuse to permit the said Commissioners to visit any workhouse or workhouses, or any part thereof, or neglect or refuse to observe and comply with such rules and regulations as aforesaid, such person shall, upon conviction before any two Justices, forfeit and pay—for the first offence, any sum not exceeding *5l.*; for the second offence, any sum not exceeding *20l.* nor less than *5l.*; and, in the event of such person being convicted a third time, such third and every subsequent offence shall be deemed a misdemeanor."

He thought, that if this clause were passed, it would work more benefit than could be effected by any body of persons, even though invested with the most absolute authority. He disclaimed having been actuated by any party feeling in taking the course which he had done. Cheerfully would he, and so would others, give up all authority, if they could be convinced that the exigences of the State required them to do so. But he declared, that he foresaw the demoralising effect which this measure, if carried, must have on all classes of the country—he dreaded the evils which must result from its attempted operation, and the blow which it must strike upon the Constitution.

Sir *Eardley Wilmot* rose and said, that he would not delay the House one minute; but it was impossible to refrain from offering one observation. The hon. member for Marylebone supposed, that this measure was intended to degrade the Magistracy of this country. Now, as one of that body, he must observe, that he was perfectly certain, from his own knowledge of the noble Lord, and of his Majesty's Government, that they were the last persons to attempt to degrade the Magistracy of the country. And, so far from thinking that he or other Magistrates were degraded from having their duties lessened, he felt obliged to his Majesty's Government for relieving them from the discharge of a painful duty. If the hon. member for Marylebone supposed, that the Magistrates were ambitious of having their duties increased, he (Sir Eardley Wilmot) must say, that the hon. Member formed a very erroneous estimate of their character.

Mr. *Ewart* had listened, with some surprise, to what had fallen from the hon. member for Marylebone, nor could he see that those disquisitions into which he had entered respecting "power," were exactly called for. Indeed, he thought, that in entering upon the matter of the authority vested in the Magistrates, the hon. Member had thrown away a great deal of eloquence. It was sufficiently evident from the report, that the Magistrates had not wisely exercised the powers which were vested in them; therefore it was for the interest of the public that these powers should be vested in other hands. The doubt on the subject, if any existed, was fully removed, by the report as to the danger which resulted from the free exercise of those powers. He was, himself, one of those who were disposed to give the least possible power to accomplish the object which they had in view; and if he could see any means by which the powers of the Commissioners could be greatly abridged, he would accede to such a proposition cheerfully. He thought, certainly, that the duration of the Bill should have a definite period; and he trusted that the noble Lord would do all in his power to modify the powers of the Commissioners.

Lord *Althorp* thought the hon. Member had not exactly spoken to the subject before the House. It appeared to him, that the object which the hon. Gentleman had in view, was, that the Commissioners should not have the power to make rules and regulations, but, that in each and every case, an Act of Parliament should be required. This, as he apprehended the object, was, that a separate Act of Parliament should be passed for every separate union of parishes, which should be effected, and a separate Act for other purposes applicable to parts, and not to the whole, of the country. Now, this would involve the Parliament in interminable legislation. The hon. Gentleman appeared to have misunderstood what he (Lord Althorp) had, on a former occasion, stated with respect to the committal of parties for contempt. He had stated, that the power of committal should be taken away, and that the party guilty of contempt should be punished by two Magistrates under the 86th clause. The objections which he felt to the clause proposed by the hon. Gentleman, were—first, that the House had, on a former occasion, decided that a Central Board should be established; and that almost the only duty which they would have to perform (which might be done without their aid) would be the consolidation of the laws affecting the regulation of the poor. This was all that was required of the Commissioners under this clause. But it appeared to him, that some discretionary power should exist; and he thought, that the danger of confusion in the country would be increased very much, if there were not a discretionary power vested somewhere. Then, as to what the hon. Gentleman had said with respect to the Magistrates (though he thought the hon. Member had been answered by his hon. friend, the member for Warwickshire), he would observe, that he was perfectly satisfied, that so far from feeling that they were degraded by having their duties diminished, they would rather rejoice at it. The hon. Gentleman had maintained, too, that if a circular were sent round to them to the effect which he had proposed, they would be ready to comply with the directions therein given. He was sure, that no inducement would be wanting to urge the Magistrates to assist in carrying this measure into effect. The hon. Gentleman contended, that many boards and vestries had petitioned against this Bill, and he knew that many had done so; but he did not think it surprising that persons, in the first instance, who expected their powers to be reduced, should oppose a measure of this nature. In proof of this, indeed, he need only refer to the disquisitions of the hon. Gentleman himself. Again, the hon. member for Marylebone said, that no one would prove to him, that any man would act under this Bill; but he (the Chancellor of the Exchequer) thought it was for the hon. Gentleman to prove that fact. The Amendment proposed went against the whole principle of the Bill, and, therefore, he must oppose it.

Lord *Granville Somerset* said, the House had determined by their preceding votes, that the leading principle of the Bill should be considered in Committee; and, therefore, he did not think it expedient to attack it by this sort of side wind. He did not think, that the censures of the hon. member for Liverpool upon the hon. member for Marylebone were deserved. If there could be any question upon which a disquisition upon the authority of certain parties could be relevant, it was this. He considered, that it would be extending a boon to the Magistracy of the country to relieve them from the several duties they were at present called upon to perform; but it was never contemplated that they should be relieved from the performance of those duties, by the appointment of a Central Commission in the metropolis, under this Bill.

Mr. *Cayley* said, the ultimate object of appointing this commission was certainly not to take from the Magistracy the exercise of the powers at present vested in them, but to create a uniformity of practice throughout the kingdom, and to enforce obedience to the law—objects which the Magistrates had hitherto been unable to effect. It was complained that this Bill would establish an autocracy on the part of the Commissioners; but this complaint, he believed, was principally raised by those who were themselves anxious to establish autocracies in parish vestries. He was one of those who thought the appointment of the Commissioners ought not to be of an unlimited duration. He thought a period of five years would be sufficient, and he would suggest that it should be limited to that period; and as the most general information would be necessary on the part of the Commissioners, he thought the Commission, which ought to consist of five instead of three persons, should be selected from different parts of the country. He would say, let England and Wales be divided into five districts, and let one Commissioner be selected from each district. The hon. member for Marylebone had called their attention to the French system of Poor-laws, but he should bear in mind, that it was not the intention of the noble Lord (Lord Althorp) to give to the Commissioners any power beyond, or contrary to the law.

Mr. *Hawes* opposed the Amendment, and complained of the hon. member for Marylebone for having quoted the evidence unfairly. If the hon. Member had not stopped short at a semi-colon, the passage would have borne a different interpretation.

Mr. *Clay* asked how it could be expected that 16,000 little Bills could be introduced, one for each parish, in the manner described by the hon. member for Marylebone? Were they to be imperative or discretionary? He felt bound to oppose the Amendment.

Mr. *Hodges* adverted to the Bill introduced by Mr. Whitbread in 1796 for the better Regulation of Labourers' Wages, and pointed out the effect which the Bill of 1819 respecting the currency had upon the value of money, and all money transactions, and was proceeding to observe upon the hardship of depriving poor labourers of that parish relief to which they had been accustomed to look up for the last forty years, and compelling them to go with their families into workhouses. The hon. Member was proceeding to discuss the general question, when—

Colonel *Davies* rose to order. He put it to the hon. Member whether he was in order in staying the business of the Committee by entering into a discussion as to the general principle of the Bill?

Mr. *Hodges* said, he was, perhaps, a little irregular, but he felt that the interests of thousands of hard-working and deserving individuals were at stake, and he felt it his duty to point out the injury they were likely to sustain under the operation of this Bill. He hoped the noble Lord who introduced the Bill would give this part of the subject his most serious consideration. Great efforts were making in many parishes in the country to ameliorate the condition of the poor; and he thought it would be unfair and unwise to interfere with those parishes by this Bill. He would not detain the Committee further at present, as another opportunity of delivering his sentiments would present itself.

Sir *Samuel Whalley* would, with the permission of the Committee, withdraw his Amendment.

It was next proposed and agreed to, that the Commissioners, "or any two of them" might sit from time to time, &c., the blank to be filled up with the word "two."

The following words were then proposed to be omitted:—"And the said Commissioners shall respectively have all the protection and indemnity to which the Judges of a superior Court of Record are by law entitled."—Motion agreed to, and words ordered to be omitted.

The next proposition was, that in the passage giving the Commissioners the power to call and examine witnesses, the following words be omitted:—"The attendance of all parties and witnesses, and such other persons," &c.—Agreed to.

On its being proposed to insert words, giving power to the Commissioners to call before them all those "who shall be in any way concerned or employed in the administration of the laws for the relief of the poor,"

Mr. *Hughes Hughes* said, he considered it his duty to take that opportunity of stating that he understood, for he had not yet seen it, a petition against several of the provisions of the Bill, and particularly against the despotic and unconstitutional powers proposed to be given to the Central Board of Commissioners, which the clause then under the consideration of the Committee would create, was unanimously agreed to at a Special Court of the Corporation of Guardians of the Poor of the eleven united parishes of the City of Oxford, and had been sent to his hon. colleague for presentation to the House, but he happened to be absent from London.

Lord *Althorp* begged to acquaint the hon. Member, that the petition to which he referred had been presented by his hon. colleague that afternoon.

Mr. *Hughes Hughes* said, he was ignorant of the fact; but he begged further to state, that he had received private information from Oxford, on which he could rely, that, unless the Bill should be greatly modified, and, in particular, the powers proposed to be given to the Central Board and their Assistant-Commissioners materially altered, not a single individual of responsibility and intelligence in the city of Oxford would be found willing to take upon himself the duties of a Guardian of the Poor of that city. Eleven of the parishes were united; uniformity of assessments, of rating, and of parochial relief and management, therefore, existed throughout the city, and no complaints or calls for attention had been made. The Corporation of Guardians unanimously objected to having placed over them the unconstitutional boards of control sought to be established; and, if the Bill should pass into a law in any thing like its present form, the Commissioners might go down to Oxford and execute all the parochial duties of that city themselves, for, he repeated, no respectable and intelligent inhabitant would be found to undertake them.

Several verbal Amendments were made in the Clause.

On the Question, that the clause, as amended, be agreed to,

Mr. *Hodges* moved a proviso, to the effect, that nothing contained in the Bill should be construed to authorize or empower the Commissioners to interfere in the affairs of any parish in which the Poor-rates had been reduced within the last two years.

Lord *Althorp* would object to the proviso, on the ground that the reduction of the rates in a parish might have taken place from many causes rather than an improvement in the management of the poor; for instance, such reduction might have occurred from better employment, or from a reduction in the price of provisions. He hoped his hon. friend would not press it.

Mr. *George Frederick Young* thought the principle of the proviso a good one, though it was carried too far. He knew instances of two parishes in Northumberland, in which the rates had been reduced in the last year, in the one from 5*s.* to 3*s.* in the pound, and, in the other, from 3*s.* 4*d.* to 2*s.*

Mr. *Tower* addressed the Committee amidst much interruption. He was understood to approve of the principle of the Amendment moved by the hon. member for Kent. He thought, that in all cases where the rates did not exceed a certain amount upon the rack-rent, the commissioners should not be authorized to interfere. He referred to the case of Staunton Rivers in his own neighbourhood, where several parishes had been incorporated for the purpose of having a common workhouse, and great inconvenience had been sustained in consequence of the incorporation.

Colonel *Evans* deprecated the interruptions which had been given to the last speaker, and complained, that they came with a very bad grace from hon. Members, who had made several speeches themselves in the course of the evening. He was disposed to support the Amendment on account of the quarter from whence it came; for he well knew, that the hon. member for Kent was better versed in the practical operation of the Poor-laws than any of the gentlemen from whom the Report on the Poor-laws had emanated. The hon. member for Kent was acquainted not only with the operation of the Poor-laws in Kent, but also with their operation in the neighbouring county of Sussex, where the Poor-laws were said to work worse than in any other portion of England. From that circumstance he presumed, that the hon. Member knew that some improvement in the practical working of the Poor-laws had recently taken place in Sussex. The noble Lord had objected to this Amendment, on the ground that the diminution in the amount of the Poor-rates might be occasioned, not by any improvement in the management of the parochial funds, but by an increase in the value of money. Now, if the hon. member for Kent would reconsider his Amendment, and shape it so as to meet the objection of the noble Lord, he had no doubt that the Committee on a future occasion would give a favourable reception to his proposition. He knew, that in three or four of the metropolitan parishes so large a sum as 150,000*l.* had been saved within the last two years by improved management. He might be told, that before long that management would retrograde. He was anxious that such a result should not occur, and, on that account, would leave those who had the greatest interest in the economical management of the parish to watch over its pecuniary disbursements. He hoped that the noble Lord would attend to the Amendment of the hon. member for Kent.

Lord *Althorp* was well aware, that everything which fell from the hon. member for Kent on the subject of the administration of the Poor-laws was deserving of the most serious consideration; but he had already stated the grounds on which he did not think it advisable to accede to his suggestion. He was sorry, that so much interruption should have been given to the hon. Member who had spoken last but one; but the fact was, that the hon. Member did not speak upon the clause under the consideration of the Committee, but upon the clause for the better regulation of workhouses, to which they had not yet arrived.

Mr. *Hodges* said, that his reason for proposing this Amendment was founded upon his conviction, that if this Bill should be made a law, and the Government should proceed to put it in force, they would paralyze the laudable endeavours which were now making in different parts of the country to restore a right administration of the Poor-laws, and that thus there would be thrown upon the Government an immense amount of labour. He would withdraw his Amendment for the present, and would endeavour to put it in a shape that would better deserve the attention of the Committee.

Mr. *Baines* said, that there were many parishes in which this medicine could not be applied. In a parish with which he was well acquainted—a parish which was one of the largest in the country, and in which the Poor-laws had been best administered—the parishioners had sent him a petition, in which they stated, that they must necessarily understand the administration of the Poor-laws in their own parish better than the Central Board of Commissioners. They therefore deemed it to be improper that the Commissioners should be invested with powers to interfere with them, who had not fallen into any fault. They likewise considered it to be unwise to introduce Commissioners into parishes where the Poor-laws were well administered. For his own part, he thought that this measure to a certain extent was a wise measure: but, nevertheless, he could not disguise from himself, that in many parishes where the Poor-laws were well administered it would not be considered as a relief, but as an annoyance. If a Resolution to this effect were carried—that the Commissioners should not be authorized to interfere with parishes where the poor-rates did not amount to 2*s.* on the rack-rent, it would be productive of considerable relief.

Mr. *Cayley* said, that as he came from the same part of the country with the hon. member for Leeds, he would beg leave to intrude his sentiments upon this subject on the Committee. In the parishes in his immediate neighbourhood the poor-rates did not exceed 1*s.* 6*d.* in the pound; but the system of rounds-men had crept in, and there was no knowing how far it might extend. Now, under these circumstances, the recommendation of the hon. member for Leeds was, that instead of remedying the evil at once, it should be allowed to increase until the poor-rates amounted to 2*s.*, and that then the Commissioners were to be called in to cure it. He contended, that if the parishes were going on in the right way, the Commissioners would not think of interfering with them.

Mr. *Baines* said, that in the parish to which he had alluded, the evil of rounds-men was entirely unknown.

The Earl of *Darlington* said, that hon. Gentlemen had complained of the severity of the remedies provided by this Bill. Now, allowing that the remedies were severe, still it did not follow, that they would be applied in cases where no disease existed. If a case of necessity for arming the Commissioners with these powers could not be made out, they ought not to have them. But where the evil was obstinate and of long duration, it could not be extirpated except by the application of extraordinary powers. In parishes which were well administered, the Commissioners would not interfere—for instance, it was not likely that they would interfere in a parish like that of St. George, Hanover-square, where such great improvements had been made in the practical operation of the present system. But in parishes where the Poor-laws had been ill-administered, it would be necessary that they should interfere, and to make their interference useful and beneficial, their powers must be of an extraordinary character.

Sir *Henry Willoughby* contended, that, under the 13th Clause, the Commissioners must exercise their powers in every parish in the country. He thought that the hon. member for Kent had taken an inconvenient period to raise the important point which he had just brought forward; but it was an important point, and if the hon. Member did not resume it, he would do so before the Bill got out of Committee.

The Amendment was, by leave, withdrawn.

The 2nd Clause, as amended, was ordered to stand part of the Bill, as were the 3rd, 4th, and 5th Clauses.

On the 6th Clause, which gives power to the Commissioners to appoint Assistant-Commissioners, for the purpose of carrying the Act into execution, being put,

Colonel *Wood* said, that as the Committee had now come to the Clause for the appointment of Assistant-Commissioners, he would state the reasons why he considered it objectionable, and why he thought that it would be preferable to have visitors for each county appointed by the Magistrates at Quarter Sessions. This Clause enabled the three Commissioners of the Central Board to appoint nine Assistant-Commissioners. Now, if these nine Commissioners were to work with the Central Board, then the number of them was too large. An hon. Member, in the course of the evening, had said, that, in his opinion, there ought to be five Commissioners to form the Central Board, and in that opinion he was much inclined to concur, But, if the Assistant-Commissioners were to be ambulatory from parish to parish, and were to attend the different vestry meetings in the country, then that number was ridiculously small; for they could not perform the duties which they were called upon to perform in different and distant parts of the kingdom. He hoped, that the Committee, before they sanctioned this Bill, would look a little at its practical working. He supposed, that the Central Board would commence its proceedings by issuing its orders and instructions to the vestries of the different parishes in England and Wales, and by pointing out the mode in which they would have them remedy the various evils arising from the mal-administration of the old law. In one of the Reports of the Central Commissioners, this account was given of a parish in the county of Nottingham:—"It has remedied many of the evils arising from the present system by uniformly refusing to make up wages out of the rates." Now, he considered it certain, that one of the first instructions issued by the Central Board would be an instruction to have that plan adopted in every parish. Indeed, the 46th clause, which enacted, that, after a given day, allowance to able-bodied persons in employment should cease altogether, would make it imperative upon the Central Board to issue such an instruction. The account of the parish to which he had just alluded then proceeded to state, that the remedy was rendered more effectual by the determination of the vestry to take into the workhouse all applicants for relief, along with their families. Now, would the Committee ponder upon the consequences likely to follow from the adoption of such a plan throughout the kingdom? The overseers, being compelled to take in labourers and their families, must set to work all parties who could not find employment for themselves, and that would be a matter of no slight difficulty. In case the labourers found fault with the work on which they were set, or with the quantum of price which they were to receive for it, to whom were they to apply for relief? If application were made to the Magistrate, the Magistrate would be compelled to tell them, that he had no power to interfere at all. Gentlemen might think, that the Magistrates had interfered improperly in the management of the Poor-rates; and he would admit, that, in some places, the Magistrates had afforded assistance to applicants in ways which had produced the evils of which the country was now complaining. The scales of relief which they had sanctioned were improper, but they had originated in the best intentions. Unless there were some appeal from the power of the overseer, the consequences of this new enactment would, he feared, be dreadful. He, therefore, proposed, that the Magistrates at Quarter Sessions should have the power of appointing one or more visitors, who, by the direction of the Magistrates at Petty Sessions, before whom any complaint was made of the inadequacy of relief, should inquire into the circumstances of the case, and report his or their opinion thereon to the Central Board. The effect of this would be, that the applicants would know, that their cases were fully and fairly inquired into, and would feel that if they had a grievance, it would be known and remedied by the Central Board. He proposed that, in each county, convenient divisions should be formed, for each of which a visitor was to be appointed; the visitors to be paid by the different parishes which they might visit. Every visitor was to visit each parish in his district once a-year, and to report its condition to the Central Board. The Petty Sessions should have power to require the services of visitors at any extraordinary season, if necessary. He meant, that extra visits should be paid when the circumstances of parishes were thought to require them. Those were the Amendments which he proposed in lieu of that part of the clause which authorized the Central Board to appoint nine Assistant-Commissioners. He was satisfied, that more than nine Assistant-Commissioners would be required when the Bill came into operation; in his opinion, it was more probable, that 100 would be found necessary. The clause he proposed to introduce was, in effect, the same as that contained in Mr. Pitt's Bill of 1796, with respect to visitors for the counties. He might here observe, that the principles of the present Bill very much resembled Mr. Pitt's measure, by which it was proposed to have a permanent warden of the poor in every parish. The Magistrates were to appoint for every parish a guardian, who was to visit it annually, report its condition to the Privy Council, and take his instructions thereupon. It appeared from this, that Mr. Pitt, in 1796, admitted the same principle of control over the administration of the Poor-laws as was now proposed to be adopted. The hon. Member concluded, by moving to omit all the words after the first word "and" in Clause 6, for the purpose of inserting his Amendment, to the effect before stated.

Lord *Althorp* observed, that the hon. member for Brecknock seemed to think it the duty of the Assistant-Commissioners to visit every parish in the kingdom, and therefore that nine would not be a sufficient number; but it would not be required of the Assistant-Commissioners to visit each parish in the way supposed, and he (Lord Althorp) apprehended, that nine would probably be found sufficient to carry all the provisions of the Act into effect, by enforcing the general rules to be established by the Commissioners for the government of parishes. It was only in peculiar cases, that the Assistant-Commissioners would be required to interfere particularly. It was desirable, that the Assistant-Commissioners should not be confined to particular districts, but that they should have a general knowledge of the system and practice, and be acquainted with the circumstances and condition of different parts of the country. The effect of appointing local visitors would be, to produce a greater degree of interference than could otherwise occur, or than might be necessary in many cases. He thought that the Bill would be found to work well without the aid of such local authorities, and, therefore, that it was not desirable to appoint them, at least in the first instance, before the operation of the proposed machinery should have been tried. He was clearly of opinion, that it was desirable, that the appointment of the Assistant-Commissioners should rest with the Central Board, and that it should be responsible for its appointment. On the best considerations he had been able to give the hon. Gentleman's proposition, it did not appear to him necessary to adopt it; should it at some future period be found necessary to enlarge the machinery of the system, it would be time enough to adopt such a course when the occasion seemed to demand it.

Lord *Granville Somerset* was of opinion, that, if the Assistant-Commissioners were to attend local vestries and see the regulations of the Central Board carried into effect, it would be impossible for so small a number as nine individuals to perform those duties; but if, on the contrary, they were merely to be considered as officers acting under the Central Board, and occasionally inquiring into alleged malversations of the local authorities, in his mind nine Assistant-Commissioners were far beyond the number required by the necessity of the case; and he should say, that five would be amply sufficient.

But the whole Bill was such as to show, that, if the measure were intended to be of any practical use whatever, it would be necessary to go more minutely into its provisions; and he, therefore, thought, that there was great weight in the observations of the hon. member for Brecknock. It would be desirable, if local visitors were appointed by the Magistrates at Quarter Sessions, that they should be under the control of the Central Board. He approved of the local authorities having the appointment, and the Central Board being invested with the control of the Assistant-Commissioners or visitors. Persons appointed by the Magistrates would have the advantage of local knowledge; and, upon that and other grounds, he thought the hon. Member's proposal more eligible than the original plan. He wanted to learn from the noble Lord (Althorp) what he proposed to be the amount of the salaries of the Commissioners and Assistant-Commissioners. Although economical considerations were not all in all in a measure like the present, yet it was important, before sanctioning the appointment of a Central Board of three individuals, and nine Assistant-Commissioners, a Secretary, Assistant-Secretary, Clerks, and other officers, it was desirable for the country to know what it was to pay for this machinery.

Mr. *Aglionby* objected to the appointment of Assistant-Commissioners or visitors by Magistrates at Quarter Sessions. He thought it desirable that they should be appointed by the Central Board, and that they should be directly under the control of that body, with a view to produce unity of purpose.

Colonel *Torrens* said, that the Central Board being responsible for the execution of the provisions of the Bill, it would be naturally anxious to appoint fit persons as Assistant-Commissioners; this did not apply to the case of the Magistrates, who would feel less anxiety on the subject of appointments that involved them in no responsibility. The Board must necessarily possess greater knowledge of the subject, and be more aware of the proper qualifications for Assistant-Commissioners, than the Magistrates possibly could be; and, on those grounds, he thought it right to oppose the Amendment.

Mr. *Wynn* could not conceive, that nine Assistant-Commissioners would be sufficient to exercise the proposed superintendence over the local concerns of so many parishes. The noble Lord seemed to think, that matters would be regulated principally by general rules; but such could not be the case with respect to the erection of workhouses, the union of parishes, and other steps, which it would be impossible to take without the personal superintendence and presence of the Assistant-Commissioners. Under these circumstances, he thought, that some plan much nearer to the proposition of the hon. member for Brecknock than to the original clause would be found necessary. If, however, there were to be only nine Assistant-Commissioners, the principality must put in its claim that one of the nine should be a person who could speak Welsh, as otherwise it would be impossible, in many instances, to communicate with the overseers. He agreed in the proposition, that the Assistant-Commissioners should be appointed by the Central Board rather than by the Magistrates, who could not be so well acquainted with the object of the measure as the chief Commissioner, and might be swayed by partiality and local interests in their appointments.

Mr. *Grote* observed, that the clause did not prevent the appointment of a greater number of Assistant-Commissioners than nine, if the Treasury should think fit to increase the number, so that there could be an extension of that part of the machinery of the measure, if necessary. He thought, however, that the Assistant-Commissioners to be appointed would be able to do a great deal, considering that in a number of parishes there need be no interference. He would only add, that he should have no confidence in the efficiency of the Assistant-Commissioners unless they were appointed by the Central Board.

Sir *Matthew White Ridley* thought that it had been justly objected, that if the Assistant-Commissioners should be appointed by the Magistrates, there would be room for local partiality, and individuals might be appointed who were imperfectly acquainted with the great principles and objects of the measure. One merit of a Central Board was, that it was free from local partiality and prejudice, and would act on general and uniform principles. It was right that the persons filling subordinate situations under the head Commissioners should be in the same situation. On these grounds he felt inclined to oppose the Amendment, the tendency of which was, to do away with some of the advantages referred to.

Sir *Thomas Freemantle* agreed in what had been so repeatedly stated, that the object of the measure was to produce an uniform system; but it was admitted, that a number of different systems were at present in operation, and he thought that if on a certain day one uniform plan were attempted to be enforced everywhere, the measure must be inoperative, and the whole country would be thrown into commotion. He thought it necessary, in order to carry the Act into effect, that there should be some persons acquainted with the local circumstances of particular districts, who could give appropriate advice to the Commissioners on the subject. If every parish were to apply to the Central Board, there would be no end of the correspondence, and it would be impossible to expect a satisfactory result. It would be desirable to have local officers appointed who could give assistance, with a view to carry into effect the regulations of the Act. He was inclined to give the appointment of such officers to the Magistracy, thinking it would reconcile the overseers and vestrymen to the system, and believing that they would rather communicate with such officers than with strangers. In conclusion, he wished to observe, that he thought the auditing of accounts very inadequately provided for in this Act. It would be well to convince overseers that if money was improvidently expended they must be the sufferers, and he thought that local officers might be advantageously employed in auditing the accounts.

Lord *Althorp* remarked, that if the Assistant-Commissioners were appointed otherwise than the Act proposed, and with the view to local interests, a greater number would be required than the clause specified. He objected to the proposed change on that ground, and because he thought it desirable that the number of Assistant-Commissioners should not be greater in the first instance than was absolutely necessary. He thought it would be even better to set out with a less number at the commencement of the measure than might be ultimately necessary. The number could be increased hereafter, if it should be thought necessary. He was of opinion that the appointment of the Assistant-Commissioners should be in the Central Board rather than in the Magistrates. With regard to the auditing of accounts, when they came to that part of the Bill, if more strict provisions should be necessary on the subject, they could be introduced.

Mr. *Lloyd* was anxious that the noble Lord should clearly explain the nature of the powers that were proposed to be intrusted to those Assistant-Commissioners. According to the statement of the noble Lord, the Commissioners were to make general rules for the guidance of parishes, and those Assistant-Commissioners were to be sent throughout the country to see that those rules were acted upon in the different parishes, to Report what departures had been made from them, and where correction might be duly administered. If he was correct in the interpretation which he had put upon the powers which this Bill proposed to invest in the Assistant-Commissioners, it appeared to him that the number of them would be neither too few nor too many. If the noble Lord would say, that the interpretation which he (Mr. Lloyd) had put upon that part of the Bill was correct, it would tend to allay a growing indisposition in the north of England to this Bill.

Colonel *Evans* said, that it appeared to him that the powers to be vested in those Assistant-Commissioners were nearly essentially and virtually the same as the powers vested in the Commissioners themselves. These Assistant-Commissioners would be Justices of the Peace. Even practically speaking they would have greater powers than the Commissioners themselves, for it would be competent for them to be present at all vestries, and to take a part in all their proceedings. He thought that this was the most objectionable clause in the whole Bill. The power that was given to those Assistant-Commissioners to be present at, and to control, the proceedings of vestries, would justly excite the universal jealousy of the country. The Bill, it would be seen, enabled the Commissioners to delegate all their powers to those Assistant-Commissioners whom they should appoint. The number of Assistant-Commissioners whom the Board were to appoint was limited to nine; but the First Lord of the Treasury might appoint 19, or 199 Assistant-Commissioners if he thought fit. He thought that this clause was more objectionable than that which appointed the Commissioners.

Lord *Althorp* said, that the gallant Officer was mistaken in supposing that any power was given by the Bill to the Assistant-Commissioners to control the proceedings of vestries. They were not empowered to vote at vestries, they were only empowered to attend at them, and to offer such suggestions as they might think it well for parishes to adopt. The Central Board would have the power of making suggestions to parishes as to regulations which it would be desirable to adopt. The hon. member for Stockport was perfectly correct in the manner in which he had explained the powers to be vested in the Assistant-Commissioners. The Assistant-Commissioners would be invested with powers to see that parishes and parish officers did not wilfully contravene the provisions of the Act, and did not neglect to carry into effect the instructions of the Central Board.

Mr. *Slaney* said, that it was admitted on all hands that the manner in which the Poor-laws had been administered in various parts of England had been most injurious, especially to the humbler classes themselves. Their administration was different in different parishes, in different counties, in different hundreds in the same county. It was absolutely necessary, under such circumstances, to endeavour to introduce an uniformity of practice in the administration of the Poor-laws. That uniformity of practice could alone be obtained in the manner proposed by the present Bill. The Government proposed for the purpose the appointment of a Central Board, to lay down rules to show how Acts of Parliament should be carried into effect—not to originate, but to follow up, and enforce the execution of, the Acts of the Legislature. In order to enable those Commissioners to see that the rules laid down by them were carried into effect, it was necessary that they should appoint Assistant-Commissioners. The discretionary power which was vested in the Central Board was one for the exercise of which that Board would be responsible to the Government and to that House.

Mr. *Hodges* said, that the machinery of this Act was obviously insufficient to carry it into execution. It required not the spirit of prophecy to be enabled to foretel that the rules laid down by the Central Board could not be brought into operation by any machinery provided by this Bill; that many parishes would, under the circumstances, be obliged to do what they could for themselves; and that should the rules be altered by them, there would be an appeal to the Commissioners, and that they would find themselves at a standstill. He hoped that in such a case circumstances would not arise to render it necessary to summon that House suddenly together. Such an unpleasant emergency might, under such circumstances, arise; it was by no means impossible, not even improbable. One effect of this measure would be to wean the people of the country of that feeling which they at present entertained of looking up to their neighbours for protection. That was a circumstance, he apprehended, more worthy of the consideration of hon. Members than they seemed to be aware of. He could state it as a fact, that the flame had been already kindled among the people in his part of the country; that the feeling was now working in their minds, that if they should be deprived of the assistance of their neighbours, as they would be by this Bill, they were determined to unite for their mutual protection. He thought it his duty to state that fact to the House. He hoped, though he did not expect, that means would be provided to insure the carrying of this measure into effect. He must say, however, that the novel powers created by this Bill could not be carried into execution without, he feared, outraging all the feelings and sentiments of the English people.

Mr. *Robert Palmer* would suggest, that the machinery for carrying the measure into effect should be rendered more efficient. He did not see how three Commissioners, acting as a Central Board, with nine Assistant-Commissioners, could carry the regulations arising out of this Bill into effect throughout all parts of the country. It was desirable, that there should be some local authority to superintend the execution of the Act in the various districts of the country. He did not think, that it would be a good thing that the poor, who at present looked up to the local Magistracy for protection and relief, should be as it were deserted by them, and thrown upon some distant Board of which they knew nothing. It appeared to him that, by connecting the local Magistracy in some degree with the superintendence of the execution of the act, much benefit would accrue. He would suggest to his hon. friend that it would be more advantageous to propose his suggestion, not as an amendment on the present clause, but as an addition to the Bill on a future occasion.

Mr. *Hawes* said, that at all events nothing connected with the administration of the Poor-laws should be left in the hands of the local magistracy, for if one fact more than another had been established by the Poor-law Report, it was, that the interference of the local magistracy in the administration of the Poor-laws had been productive of the most injurious consequences. If the rates had been diminished in amount, and if the condition of the people throughout the country had been elevated, then, indeed, it would be a different question; but it was a well-established fact, that the Poor-rates had been enormously increased, and that the moral and social condition of the people had been greatly lowered. With regard to what had fallen from the hon. member for Kent, he would say that we should be more liable to difficulties and to violence without this Bill than with it.

Colonel *Wood* remarked, that when the hon. Member suggested, that the local Magistracy should have nothing to do with the execution of this Bill, he should also have proposed to relieve them of other duties that devolved upon them, so that when they saw the ricks around them on fire, and a rural mob goaded on to violence, the local Magistrates should not be called in to put such proceedings down. No body of men had performed more important services to the country than the local Magistracy; and he firmly believed, that such a class of persons were not to be found in any other nation in the world. He was ready to fall in with the suggestions of the hon. member for Berkshire. He would withdraw his Amendment on the clause for the present, intending to propose it, or something like it, as an addition to the Bill. He thought, that the Magistracy might be connected with the Central Board in this way—that they might at quarter Sessions elect three visitors, the names to be sent up to the Central Board, to choose one out of them; or that, having elected one visitor, the name should be transmitted to the Central Board, and that if it did not approve of the choice, the Magistrates should proceed to the election of another. That would make a connecting link between the Central Board and the Magistracy in the different districts throughout the country. The noble Lord did not seem to understand the practical working of the measure, for he had talked of Magistrates having the power of auditing the overseers' accounts. Now, that was not the case. They were merely signed by two Magistrates at petty Sessions, who thus affirmed the rate as legal, but they exercised no practical control over its imposition. He hoped that the Central Board would establish one uniform system for keeping parochial accounts throughout the kingdom. He begged to observe, that at present, the peasantry were accustomed to look to the Magistracy for relief and redress against the overseers. When the poor man thought that the overseer gave him too hard a task, or did not afford him sufficient relief, he looked to the Magistracy for redress. When this measure passed, if passed in its present shape, the Magistrates would be obliged, in reply to such an appeal, to say, "I can't relieve you; you must go about your business." He feared that the consequence of that would be that the people would take the remedy into their own hands. If they did, they should not call on the Magistrates to put that remedy down. He would postpone his Amendment, with a view to introduce it in a subsequent part of the Bill.

Lord *Althorp* maintained, that the Magistrates had the power at petty Sessions of striking out or disallowing items in the overseers' accounts.

Colonel *Wood* said, it was not usual to exercise such a power.

Mr. *Clay* said, that, generally speaking, the power exercised by the Magistrates at petty Sessions, in reference to the accounts of the overseers, was purely Ministerial, though there was no doubt that they had the power if they chose, to disallow the rate. He hoped to God, that the noble Lord would not listen to the suggestions of those who wanted to have the appointment of the Assistant-Commissioners transferred from the Central Board to the local Magistracy. If they should be transferred to the Magistracy, they would be made snug things, and gentlemen would be found going about the country a fortnight or three weeks before the appointments took place canvassing the Magistrates for them. The appointments should be left in the hands of the Central Board, so as to leave entire complete responsibility upon them. The proper execution of the measure depended upon the employment of vigilant agents, and that was the only way to secure it, As to the number of Assistant Commissioners, the Bill did not limit the number to nine. There might be fifty-two, or one for every county in the kingdom; at all events, as many as would be necessary could be appointed. In carrying the measure into execution, the Central Board could only commence in the first instance by feeling its way—beginning with portions of the country, and thus proceeding gradually to apply its provisions to the whole kingdom.

Sir *Charles Burrell* defended the Magistracy. The system in the south of England might not be so good as in the north. It was the opinion of the farmers in the south of England that if wages got up, there would be no getting them down. But the Magistracy were not consulted, and they had no power to regulate the price of wheat. He took upon himself to say, that the Magistrates had been hardly dealt with. If they had erred, they had erred on the side of the poor, and their error arose from other circumstances.

The Amendment was withdrawn, and the blank for the number of Assistant-commissioners was filled up with the word "nine." The clause was agreed to, as were Clauses 7 and 8.

Upon Clause 9,

Mr. *Frankland Lewis* thought that the Assistant-Commissioners should have sufficient power delegated to them to act promptly in special cases. He mentioned an instance in the north of England, where the Magistrates of one district had decided that a class of persons should have relief, and the Magistrates of another district had decided the contrary way. In such cases the Assistant Commissioners ought to have a power to interfere. With respect to the details of the measure, he thought that legislation *de minimis* in such a case as this was bad. It was impossible in a law to follow out in detail all the remedies for the evils arising out of the mal-administration of the Poor-laws. By giving the authority conferred by this Bill, we should get what was wanted—a consistent and harmonious administration of the law. What was complained of was, that there had been an abuse of a good system of laws upon this subject. Let Gentlemen consider, and compare the evidence respecting the administration of workhouses. In Reading and other places, it was stated, that paupers lived in the workhouse better than tradesmen in their own houses. Where this was found to be the case, the Assistant Commissioners ought to be able to direct more work to be given to the paupers, and that they should not be so well fed. If the House would read the Reports, they would find a reason for every clause in the Bill, and he cordially thanked the noble Lord for bringing it in. It was a great mistake in any one to imagine that the Bill was for the benefit of the rich; on the contrary, it was to snatch the poor themselves from the degradation and misery which the present law brought upon them. If Gentlemen would look fairly into the Bill, their objections would shrink to nothing. Irresponsible power! Think of the power of overseers under the present system. They could make taxes to any amount they pleased. The assent of the Magistrates to rates was a mere illusion. At the end of the year, the money was gone, and the rate must be made. With respect to the deteriorating influence of the existing Bastardy-laws, he could state that in the county he represented (Radnor), it appeared from official returns, that one in eight children were bastards. The Bill contained the elements of hope. He did not mean to say, that the measure was perfect; but he certainly thought that it would establish a system infinitely superior to that which existed at present. It was most absurd to allow Magistrates to have the power of ordering relief to be given to the poor. It was singular that though this power was conferred upon the Magistrates by the Statute of Charles, for the express purpose of checking the expenditure of the overseers, who it was alleged, had been too ready to grant relief, the Magistrates themselves had afforded relief with ten times as much facility as the overseers had ever done. The power which the Commissioners would possess would not be despotic, they would not overrule the law, but only explain it.

The clause was agreed to, as were Clauses 10, 11 and 12.

The House resumed. The Committee to sit again.

HOUSE OF LORDS,

Monday, May 26, 1834.

MINUTES.] Petitions presented. By the Marquess of DOWNshire, from Clara (King's County), for Abolishing the Punishment of Death for Offences against Property.—By the Duke of Hamilton, from the Handloom Weavers of several Places, for a Board of Trade.—By the Bishop of Gloucester, from two Places, against the Claims of the Dissenters.—By the Earl of Coventry, the Archbishops of York and Canterbury, the Bishops of Gloucester, Lichfield, and Coventry, from several Places,—against the Admission of the Dissenters to the Universities.—By the Earl of Warwick, from Persons Confined for Debt in Warwick Gaol, for the Abolition of Imprisonment for Debt.—By the Earl of Winchilsea, from Slickney, against the Sale of Beer Act.—By the Earl of Durham, from Manchester, for severing the Union between Church and State.—By the Marquess of Tavistock, Earl Durham, and Lord Dacre, from a very great Number of Places, for Relief to the Dissenters.—By the Duke of Cumberland, the Duke of Rutland, and the Earl of Mansfield, from several Places,—for Protection to the Established Church.

HOUSE OF COMMONS,

Monday, May 26, 1834.

Minutes.] Bills. Read a second time:—Entailed Estates.—Read a third time:—Chimney Sweepers; Navy Pay; Bribery at Elections.

Petitions presented. By Lord Morpeth, from the Debtors in York Gaol, against Imprisonment for Debt.—By Mr. Hall Dare, from several Places, against any Alteration in the Corn Laws; from Maldon, against the Claims of the Dissenters; from Dronham,—and by Lord Morpeth, from two Places,—for Protection to the Established Church.—By Colonel Davies, from a Congregation, against Church Rates.—By Alderman Copeland, from Coleraine, for Extending Legislative Measures for the Better Observance of the Lord's Day to Ireland.—By Lords Henniker and Morpeth, Sir Robert Price, Sir Richard Simeon, Messrs. Baines, Hardy, Hall Dare, Harland, and Alderman Copeland, from a Number of Places,—for Inquiry into the Causes of Drunkenness.—By Lord Henniker, Messrs. Thicknesse, Greene, Blackburne, and Egerton, from a Number of Places,—against Clauses in the Poor Laws Amendment Bill.

London and Westminster Bank.] Mr. *Clay* rose to move the third reading of this Bill. He had hoped, from the decided manner in which the House had expressed its opinion on this Bill at the second reading and from the decided failure of counsel before the Committee to make out any case for the Bank of England, that no further opposition to this Bill would have been offered. But as he understood, that it was intended to divide the House upon this stage of the Bill, he hoped he should be excused whilst, in half a dozen sentences, he stated the circumstances under which the present application was made to the House. It would be recollected, that doubts having arisen during the discussion of the Bank Charter last Session as to the true nature of its privileges, to clear up those doubts, a clause was inserted in the Act renewing the Charter of the Bank of England, declaring that any body, corporation, company, or partnership, although of more than six partners, might carry on the trade of banking in London, provided they did not take up money on promissory notes payable in less than six months' date. Now, upon the clear meaning of that clause, a banking company had been established, highly respectable both from the wealth, station, and numbers of the subscribers, and the large amount of capital subscribed. This company now came before the House, stating its wish to have an Act to enable them to sue and be sued by one of their own number. Why did they seek this privilege? Because they were many, because their name was Legion, and it would be a great inconvenience to the public, and some inconvenience to them, to have to carry on business without such a privilege. Indeed, such was the defective nature of the English Law of Partnership, that it was almost impossible for a large number of persons to carry on business together. The state of our law in this respect was in the highest degree disgraceful to our jurisprudence and he hoped the time was not distant when it would be assimilated to the French law of partnership. The London and Westminster Bank did not seek the privilege of suing and being sued by one of their own number, because they were a banking company. It would not be more useful or necessary to them as bankers than it would to every or any other business. If they proposed to build steam carriages, to manufacture soda water, to sell milk, as a company did some seven years back, or to wash dirty linen, as another company did, it would have been just as important for them to have had this privilege to be able to come into competition with the old ladies who sold milk and washed dirty linen, as it was for them to have it now that they wished to come into competition with the metaphorical old lady of Threadneedle-street. All they wanted was, to be enabled to carry on their business, being a large body, with the same facility as they could if they had been a small body. But the Bank asserted, that this would be a violation of the bargain made with it by the Government; and it was joined in its opposition by another class who, although they did not participate in the monopoly, made common cause with the old lady, and cried out "Great is Diana of the Ephesians." The noble Lord had shown great generosity in coming in to the rescue, and he (Mr. Clay) understood that those potential notes of invitation, which were usually sent to a certain portion of the Members of that House, when the noble Lord had any thing in view in which they took a particular interest, had been fluttering about for the last twenty-four hours. But he would ask the noble Lord in what way was it a violation of the charter? The Bank acceded to the renewal of its charter, with that clause in the Bill which declared, that it was lawful for "corporate bodies and other societies" to carry on the business of banking in London. Now, was there any secret clause in the bargain with the Bank, as in the treaty of Leipsic? The noble Lord said, "No, no." What then? Could the Grocers' Company, or the Steam-Packet Company or any other established corporate body, carry on the business of banking in London; and was it against the bargain that associations expressly formed for carrying on the business of banking, should do the same? To him it seemed that the noble Lord was in the horns of a dilemma. The noble Lord must either maintain that any company might carry on banking in London under the Act—except one expressly formed for that purpose, or he must maintain that the Legislature passed a law to enable a company to be bankers, and entered into a further agreement with another party to prevent it. He hoped the Legislature would not stultify itself in this manner. If the noble Lord said, that the clause gave, as, in the fair interpretation of it, it would seem to give, that permission to any company or any society to form a banking establishment, why would he refuse to give such companies facilities for carrying on their business? The refusal of the present Bill would be a denial of justice to the people of England. The hon. Member concluded by moving the third reading of the Bill.

Mr. *Hardy* seconded the Motion. After the division which had taken place on the principle of this Bill at the second reading, he was surprised that any opposition should be offered to its third reading. The 3rd and 4th of William 4th, explained the principle on which joint-stock-banks were founded. It declared them legal; and yet, when an application was made for the good of the public, it was to be met with opposition, though justice and law was in its favour. Within the last twenty-five years, no less than forty-six different companies had applied for and obtained the privilege which the London and Westminster Bank now sought, that of suing and being sued for the special convenience of the public. Was the London and Westminster Bank to be made the exception, now that the legality of the object which it sought had been particularly declared by Parliament, and were those facilities which had been granted to other banks all over the country to be refused to that? By 39 and 40 George 3rd, the Bank of England obtained a power of pulling down houses and opening new thoroughfares to the Bank on the plea of increase in its business, and under those powers it actually did remove several buildings in the heart of the city of London, and make a passage by St. Bartholomew's Church. Was it to be tolerated, after such power conferred on it, and the exercise of that power in such way, that the Bank of England should now come forward and oppose an establishment declared legal by the Bank Charter Renewal Bill, and which applied for an Act solely to accommodate the public? He hoped the House would mark its sense of the opposition offered this application in the way they did on the second reading, by a majority of four to one in its favour.

The *Solicitor General* said, the 39th and 40th George 3rd, was precise on the subject of the present as well as all similar applications; and any hon. Member who would look at that Act would perceive that the bargain with the Bank was not affected by the subsequent Acts on the subject. By this Act, a contract had been entered into with the Bank of England, of which this was the condition, "that no other bank should be erected, established, or allowed by Parliament; and that it should not be lawful for any body politic or corporate whatsover, erected or to be erected, or for any other persons, united or to be united, in covenants, or partnership, exceeding the number of six persons, in that part of Great Britain, called England, to borrow, owe, or take up any sum or sums of money on their bills or notes payable on demand, or at any less time than six months from the borrowing thereof, during the continuance of the said privilege to the said Governor and Company; who were thereby declared to be and remain a corporation, with the privilege of exclusive banking, as before recited, but subject, nevertheless, to redemption on the terms and conditions in the said Act specified." Those privileges existed still; that clause was unaltered by any subsequent Act; and Parliament was bound to abide by the contract involved in their continuance. The object of the Bill before the House was to give greater facilities to the London and Westminster Bank than were at present enjoyed by joint-stock-banking companies in London. This was really the object of the Bill, or why come to Parliament at all? It was vain to deny, that by the existing law, there were inconveniences in respect to partnerships in banking concerns, but this was one of the exclusive privileges conceded to the Bank of England. If, therefore, facilities were given to a joint-stock company to carry on the banking business in the way proposed, a gross violation of the 39th and 40th of George 3rd would be the consequence. The hon. and learned Gentleman who seconded the Motion for the third reading of this Bill said, that all that was wanted by this Bill was to give to the London and Westminster Bank the right of suing and being sued; but if this privilege were conceded, where was the reason for their withholding any other of the exclusive privileges conceded to the Bank of England? [Mr. *Clay*: Forty-six banks have obtained the privilege which the London and Westminster Bank now seeks.] He admitted that; but they were all country banks, and entirely out of the sphere of the Bank of England. Therefore, as they could not interfere in any possible way with its interests, it was no breach of contract to grant them the privilege now sought for. The Legislature had, however, contracted with the Bank to grant it particular privileges; he did not say whether wisely or not; but the contract having once been entered into, the Government and that House were bound to see that it was not violated. He would examine whether any of the Acts passed subsequent to the 39th and 40th of George 3rd took away the peculiar privileges conceded to the Bank by this Act. The 39th and 40th of George 3rd, had for their object to provide, that no other bank should be established to the injury of the Bank of England. The 7th of George 4th, authorised the establishment of banks in England; and it recited, that the Bank of England was willing to give up its exclusive privileges provided that no bank of, issue should be established within sixty-five miles of London. By this Act provision was made that country bankers might be sued both collectively and individually; but it was upon the ground that no bank of issue should be established within sixty-five miles of London, that the Bank of England gave up its exclusive privileges. The Act of the last Session did not in the least interfere with the Acts to which he had previously alluded. It recited the 39th and 40th of George 3rd, and the 7th of George 4th, and then, in the third section came the clause upon which the present Bill was founded. But taking into account the 39th and 40th of George 3rd in the way that he had placed them before the House, the 3rd section of the Act of last Session did not alter the law as it previously existed in the slightest degree. What was the object of the clause in question? Why, to remove the doubts. And what were the doubts? Why as to the exclusive privileges of the Bank of England in reference to the establishing of any other banking company; and this clause was merely declaratory, in order that these doubts might be removed. This clause merely said that "joint-stock companies for deposit shall and may be established"—thus removing the doubt which previously existed on this point. If by the 39th and 40th of George 3rd, it was contracted with the Bank of England, that no other bank should be established, it must be admitted that this section did not in the slightest interfere with the privileges enjoyed by the Bank. If it was contended, however, that the Bank did not enjoy those privileges to which he had before alluded, under the 39th and 40th of George 3rd, he could have nothing to say. That was his construction of the law, and he would be a bold lawyer who would put any other construction upon the part of the Act he had read to the House. He contended that to agree to the third reading of the Bill before the House, would be to give facilities to the London and Westminster Bank to carry on the business of banking in a manner not contemplated by the law; and if it had that effect, it would be a gross violation of the contract which had been entered into with the Bank of England. In opposing the third reading of this Bill, therefore, he felt that he was upholding the contract to which he had adverted.

Mr. *O'Connell* said, it would not be upholding a contract to vote against this Bill, but it would be making a contract. The hon. and learned Gentleman said, that by the terms of the 39th and 40th of George 3rd, a bargain had been made with the Bank of England, that no other bank should be established in London. No such bargain was to be found in the 39th and 40th of George 3rd, and so thought the Attorney and Solicitor-Generals last year, for such was the construction put upon these Acts by them last Session. The question before the House lay in a very narrow compass. What did this company seek? A facility of being sued. That was, if they were in debt, that the public would have an opportunity of being able to recover from them. This was a species of legal responsibility which Parliament ought to enforce, even if the company were unwilling to have it, for it was a protection, and security to the public which they ought to possess. The company asked also for the privilege of being able to sue. Surely they asked for nothing unfair or improper in this. A corporate body had such a privilege, because it sued in its corporate capacity. By the very section in the last Act referred to by the hon. and learned Solicitor-General, a bank was declared to be a Corporation, and, as such, was allowed to be created in London. Could any man deny, that a Corporation had the power which he ascribed to it? He contended, that this power was beyond doubt. Until it was deemed, that Parliament had not the power to create a Corporation, and that a Corporation had not the right of suing and being sued, he maintained, that the Bill before the House came within the intent and meaning of the clause, and ought to be agreed to by the House. That this bank would, in any event, continue, and had a right to continue, was not disputed. Was this privilege, then, essential to it? If it was essential, it was a delusion on the part of those who said, that the bank might continue, but should not have the facilities essential to its well-being. If, on the other hand, the privilege was not essential, but was only a convenience, how absurd was it to refuse that which was a mere convenience, when the principle was granted. And he was reminded of the fact, that the Goldsmiths' Company, which was a Corporation, and, therefore, had this privilege, might, if it pleased, carry on the business of banking. Then he would ask, why this opposition to this Bill on the part of the Bank of England? It was not creditable to the Bank to get up this opposition. The Bank of England had 9,000,000*l*. of deposits, and, if it paid 2*l*. per cent upon them, as this bank did, 180,000*l*. per annum would be drawn from its pockets. The transactions of the Bank of England seemed to be confined to borrowing—look, for instance, to its borrowing two and a-half millions from the East-India Company, the other day, and, no doubt, it was frightened at the idea of being obliged to act in the way the London and Westminster Company was acting. He knew, that the Bank of England required props to sustain it, crutches to keep it up. But he trusted that the House would not do an injustice to any other company to effect this. It seemed to him, then, that unless the House ruled, that a Corporation could not sue, and that the House had not the power to create a Corporation, that this Bill must pass. For these reasons, he should support the third reading of the Bill.

Mr. *Herries* expressed his regret, that he had not been in the House upon the second reading of this Bill. Had he been present, he should have done that which he now intended to do, give it his most strenuous opposition. It was rather curious that when the clause in the last Act, which had given rise to the present discussion, was brought before the House, he expressed his doubts with respect to the construction that might be put upon it, but, in consequence of the answers which he received upon that occasion, he was induced to give up his opposition to the clause; and when he stated what took place upon that occasion, he was sure, that this House and the country would feel that they were pledged to the Bank in such a manner in respect to the establishment of another bank, that it would be impossible, with any regard to justice and fair dealing, to get away from it. The state of the case was this—when the Bill for renewing the Bank Charter was before the House in its last stage, a clause was introduced which gave rise to certain doubts in respect to the operation of the law relative to the establishing of banks in the city of London. For his own part he had always been of opinion, that the law enabled joint-stock banks of deposit to be established, provided they did not issue their own notes, but that Parliament could not create or allow any other corporate banking company to exist but the Bank of England. Doubts, however, existed upon this point; and it was to do away with these doubts that the noble Lord had introduced the clause to which he had before referred. When this clause was introduced, he put it distinctly to the noble Lord (Lord Althorp), whether this clause would give the power to joint-stock banking companies within sixty-five miles of London, of suing and being sued. The answers of the noble Lord, as well as those given to him, both privately and publicly, by the Attorney and Solicitor-General, were, that the words of the clause would not, by any possibility, convey such a meaning. If the right of suing and being sued were conceded to this bank, he saw no reason why the right of issuing their own paper might not follow; and, if so, the whole policy upon which the Government had acted in its arrangements with the Bank would be destroyed. The right hon. Gentleman referred to the speeches of the Attorney and Solicitor-General, and the Chancellor of the Exchequer, to show, that all that was intended by the insertion of the clause to which he had referred in the Act of last Session, was, to declare that to be law which was law before — secondly, that joint-stock banks for deposits might be established within sixty-five miles of the metropolis; but that they could not be incorporated, and could not be allowed to sue or be sued, and to issue their own notes. He next came to the most important part of the question, the equitable view of it. The King's Ministers, who framed these Acts, intended, that faith should be kept with the Bank. It was upon this equitable consideration that Parliament passed the Acts. He, therefore, held, that the House was bound by its engagement, and by that of the Government. The House, at the time of passing this Act of Parliament, must have had a full sense of this engagement, as it was clearly and distinctly stated to the House, and, having sanctioned this engagement, was bound to abide by it. It was not for the House to turn round and say to the Bank of England, "We have taken a valuable portion of your privileges from you, and, therefore, we will infringe the agreement we made with you on your giving up those privileges." The Bill before the House went to deprive the Bank of England of an essential portion of its privileges; and, therefore, the question was not one of legal construction, but of honour and good faith. It was not whether a word would bear such or such an interpretation after the lapse of a year, but what was the sense of the House at the time the Act conferring these privileges was passed? He contended that, if they passed this Bill, they would be guilty of a most gross and flagrant violation of honour and good faith. The value of this joint-stock banking company to the public was not a question which this House could entertain; they had nothing to do with the merits of the bank, or with its utility; what they had to consider was this—were they to annul a contract which had been made with the Bank of England in the face of the country, to which they were bound by every feeling of honour and good faith? He should move, as an Amendment, that this Bill be read a third time this day six months.

Mr. *Patrick Stewart* had expected to find his right hon. friend, the member for Harwich, a friend to the establishment whose cause he (Mr. Stewart) had espoused; for it was that right hon. Gentleman who, in the discussion upon the second reading of the Bank Charter Renewal Bill, expressed his fears, that the monopoly was too extensive, and who contended, that banks ought to be allowed to be established in London, if they were not banks of issue. The right hon. Gentleman, after stating his opinion, that the sixty-five miles ought to be materially abridged, proceeded to express an opinion, that it was then legal to have banks with more than six partners, and to express a hope, that the law would be rendered explicit and clear on the subject. This was the opinion expressed by the right hon. Gentleman on the second reading of the Bank Charter Bill, under which the present company of the London and Westminster Bank were lured on to establish their bank; and now the right hon. Gentleman said, that they were not justified in coming to that House to seek for a privilege, which, in justice to the public, they ought to possess. But there was nothing in the Bill at all inconsistent with the bargain then made with the Bank. The dilemma in which the Government was now placed, was a collision between a private understanding and an Act of Parliament. But the House, he trusted, would be governed by the Act, and would not allow the Bank of England to possess for ever its exclusive privileges, and be the only corporation. The Government was bound in good faith to have stated, that they did not mean the privilege guaranteed by the Act of last Session ever to be used. There was nothing in the Bill to say, that it should not be used, and if it was intended not to be used, why was not the intention expressed? The Bank of England knew very well how to secure itself, as indeed appeared in this very Act. It had, in fact, stolen a march upon Government, and had obtained the insertion of a clause in the last Act, by which it sought to perpetuate the corporate Charter of the Bank even when its banking privileges ceased. It was said, that there was no case in point to favour such a right as that applied for by the London and Westminster Bank; but that was a mistake, for the Hibernian Bank in Dublin had the right granted to it which was now asked for by the London and Westminster Bank. If it was not the intention of Parliament to grant this right to sue and be sued, it ought to have been stated plainly and openly, instead of springing a mine upon them then. It was not kind or fair to act in this way to the Company bringing in this Bill. This was not the second reading of the Bill. It was the last stage of it, although an effort had been made to strangle it in Committee, and considering the nature of the Bill, the opposition given to it upon the third reading was most unfair. He should leave the Bill in the hands of the House, notwithstanding the whipping-in and spurring that had taken place to obtain votes. He was confident, that the result would be what he desired. The hon. Alderman opposite (Alderman Thompson) the shield-bearer to the great Goliath behind, no doubt despised the supporters of this Bill because they came armed with no weapon but a good cause. It was, however, for the House to decide whether the ponderous Philistine with his gold, his silver, and his brass, should be the victor, or whether a champion, who although only a stripling in strength, and whose only arms were those of truth and justice, should gain the vantage ground.

Mr. *Pollock* said, that the persons who supported the Bill now before the House, had no right to complain of injustice. This Bill was one of a most important nature—one which, in fact, involved in it both the national faith and national honour. It was not a matter-of-course Bill, as the hon. Member who had just sat down called it; it was one which demanded the most important consideration. Could it be supposed that this Bill could pass in defiance of the unanswerable arguments of his right hon. friend—in defiance of a compact made by this House? It appeared to him that the question before the House was, in point of fact, whether by granting the privilege of suing and being sued, there should be a breach of the contract which had been entered into between the Government and the Bank, and which had been sanctioned by Parliament. Those who thought that the Bill was a breach of contract would vote against it, and, on the contrary, those who thought that such a Bill might be passed without a breach of national honour, would vote in favour of it. The last Statute extending the period of the Bank of England Charter expressly stated, that it should enjoy the exclusive privilege of banking in the metropolis, and that no other bank should be established within the circle of its limitation. Therefore any attempt, which the present application was, to establish any such bank as the Bill before the House purported to establish, was an infringement on the privileges of the Bank of England, and a positive breach of the specific contract which had been entered into with it. It was said, that all this private bank wanted was, the privilege of suing and being sued—that the bank only wanted to be allowed to pay its just debts, and that the public were deeply interested in the success of this application on the part of the London and Westminster Bank. This, he contended, was a fallacy, If this Bill were passed, a monopoly would be given to the bank in question, for the suing and being sued was not enjoyed by any other joint-stock bank in London. It would operate as a bounty to that company for its infraction of the Bank Charter, by inducing people to join the company on the strength of their not being liable, beyond the limit of their shares. He said that as a lawyer; but he also contended that after what had taken place on the occasion of the Bank Charter Bill being before the House, if this Bill passed that House, the honour of the country, which had been pledged to the Bank of England, would be grossly violated. If the Bill, therefore, were to go into the other House of Parliament, the Judges would be bound to say, that it could not pass without a violation of the faith of the Legislature. That was his settled opinion as a lawyer—but as a Gentleman and a Member of Parliament he must say, that that House could not with honour give the privileges which the Bill would confer upon the new bank.

Sir *Thomas Freemantle* said, that although he was much interested in the success of the Bill before the House, he yet would not vote for it if he thought that, by doing so, he violated any contract which had been made with the Bank of England. It appeared to him, that the House was losing sight of the real question before it—namely, that the right of suing and being sued should be given to the London and Westminster Bank. Was this creating a monopoly to give this power? Why it was given to every other banking-company in the kingdom. The House was to recollect, that the London and Westminster Bank was already in existence, and that, for the last two months, it was transacting the usual business of a banking establishment, and it was so under the Act of last Session. The evil to be prevented was, the erection of a bank of issue, and it was only to prevent the establishment of such a bank, that the Act of last Session was passed. The Attorney-General formerly stated, in respect to the Bank Charter Act, that Parliament was not to legalize any bank not lawfully established. Now, was not the London and Westminster Bank a legal body? The noble Lord (Lord Althorp), by his clause in the last Act, legalized it, and the Attorney-General said, that all Parliament was restricted to do was, not to legalize a bank not lawfully established. He believed it was generally understood, that all acts giving a corporation exclusive privileges, should be construed strictly against the corporation, and as much in favour of the public as possible; and yet they found the Crown lawyers straining every nerve to-day in favour of the monopoly, and against the public. If it was intended, that only banks for deposits should be established by the clause in question, why was not the thing fully stated? Where were the prohibitory words? He contended, that the absence of all such words showed, that it was never intended to restrict joint-stock banking in anything but in respect to issuing notes.

Sir *James Scarlett* contended, that the Act of William 3rd, first establishing the Bank of England, was still in force, and that that Act expressly enacted, that, as long as the corporation of the Bank existed, no other company in the nature of a bank should be established, sanctioned, or countenanced by Parliament. He thought the word "allow" called upon them to put down any bank, if established with more than six partners, in London. The clause in the last Bill gave no power to create a new Bank, and the Act of William was clear upon the point—so clear, that no legal quibble, however ingeniously put, could mystify it. If Parliament incorporated any banking establishment, it would violate the contract made with the Bank of England, of which the condition was, that no other bank but it, was to be allowed by Parliament. In opposing this Bill, he had no private or political end to serve. He was only anxious, that Parliament should not violate its own engagements. If they passed this Bill, they would, in doing so, strike a severe blow at the security of the public credit of this country.

Mr. *Clay*, thought, that the hon. Alderman (Mr. Alderman Thompson), who rose to speak, might be content with the support which he had received, for he had no less than three lawyers to speak in his favour, and one of them even appeared in his wig and gown (Sir James Scarlett), to give, if possible, additional weight to his argument. He contended, that the London and Westminster Bank was a corporate body, and that all which it wanted was, the privilege of doing that which every corporate body in London had, namely, the right of suing and being sued. The Goldsmiths' Company, or any other company in London, could commence the banking business to-morrow, and would be entitled to sue and be sued; and all that this company, which had been instituted for banking purposes, wanted was, that it should have a privilege which every corporate body in London had.

Lord *Althorp* was anxious to state to the House what was the understanding between the Government and the Bank of England, in respect to the establishment of any other Bank in the metropolis. It was understood, that no additional privileges beyond that which the law allowed, should be given to any other bank. That was the understanding with the Bank, and that understanding was stated in that House, when the subject was under discussion. The hon. member for the Tower Hamlets taunted him with making exertions to oppose this Bill. He owned, that he had. He felt, that he was bound to maintain the bargain which he had entered into with the Bank. He felt, that he was justified in making every exertion to oppose this Bill; and if he did not, and if the Parliament did not reject it, he thought neither he nor the Parliament would do what was proper. It did appear to him, that if the bargain which he had made with the Bank of England were broken, the national faith would be violated; and, he contended that the terms of that bargain were advantageous to the country. If the House agreed to the third reading of the Bill, they would give to the London and Westminster Bank exclusive privileges which he thought it ought not to possess. He hoped, therefore, that the House would not pass the Bill, for their doing so would form a dangerous precedent hereafter.

Both the parties interested in the Bill before the House seemed to interfere with the bargain made between the Government and the Bank of England; and this being the case, he thought that it was a strong reason for the House to oppose this Bill.

Mr. Alderman *Thompson* agreed with the hon. member for the Tower Hamlets, that the question had been fully argued; but he would just remind the House of the situation in which they were placed. They were told by the noble Lord, that this Bill was an infraction of the terms of an Act of Parliament passed last Session. Were they, then, to pass this Bill in opposition to such a declaration? Would it not be the same as if they violated the principle upon which the noble Lord contracted a loan by the consent of that House? The Bank of England paid 120,000*l.* a-year in consideration of certain privileges. This money was now in the course of payment. Was it, therefore right, when a bargain was made of this sort, that the rights and privileges for which the Bank of England paid so large a sum of money should be taken away, as they would be, if the Bill before the House passed? [" *Question?*"] If he were interrupted, he should not feel that he was bound to restrict himself within the limits to which he had at first intended. His hon. friend (Sir Thomas Freemantle) said, that the London and Westminster Bank was established. He admitted that it was; but the company was not satisfied with the mere establishment of the bank, but called upon the House to give them the power to sue and to be sued. Such a power would be in direct violation of the engagement entered into between the Bank of England and the Government—an engagement that was as public as possible, being fully stated in the printed correspondence which took place on the occasion of the bargain having been made. Under all these circumstances, he felt that he should forego his duty in that House, if he did not oppose this Bill; for he contended, that it would be such an infraction to existing engagements, that it would strike at the very root of public credit.

Mr. *Cobbett* rose amidst cries of "Question:" Hon. Members might cry "Oh!" but still he would state to the House what were his opinions upon this subject. He was firmly convinced, that of all the scourges God had ever inflicted upon man, the banking system was the greatest of all. In the hope, that the proposed bank would injure the old one, he was disposed at first to vote for it; but, on further consideration, he was led to believe, that the safest course which he could pursue for the public interest was to vote for neither, and, accordingly, he should remain neuter on the question.

The House divided on the Question, "That the Bill be read a third time:" Ayes 137; Noes 76—Majority 61.

The Bill was read a third time, and passed.

POOR-LAWS AMENDMENT—COMMITTEE.] On the Motion of Lord Althorp, the Order of the Day for the House to resolve itself into a Committee on the Poor-laws Amendment Bill was read.

Sir *Eardley Wilmot* was anxious to put a question to the noble Lord (Lord Althorp). Of the three Bills which had been introduced with the view of relieving the agricultural interest of the country, the Tithe Commutation, County Rates, and Poor-law Amendment Bills, the last was the only one now in progress; and he (Sir Eardley Wilmot) very much feared it would not, if passed, be found so beneficial as the noble Lord seemed to imagine; at all events, it would not give immediate relief. In the present terrible state of agricultural depression something was requisite to be done; and, therefore, he was anxious to ascertain whether the noble Lord had in contemplation any other measure, in order, if possible, to afford immediate relief.

Lord *Althorp* said, that the better administration of the Poor-laws, wherever it had been introduced, had given immediate relief to the agricultural population; and, therefore, he certainly anticipated considerable advantage from the operation of the measure now under the consideration of the House. With respect to other measures of relief, he was not prepared to say, that anything further would be introduced by Ministers this Session; and one reason was, the great difficulty found in propounding any measure which would give immediate relief.

On the Question, that the Speaker do leave the Chair,

Mr. *Poulett Scrope* rose to move an instruction to the Committee; and, as he had not yet had an opportunity of speaking on the general principles of the Bill, he trusted the House would excuse him for saying a few words. No man was more alive than he was to the abuses and mischiefs which had been produced by the mal-administration of the Poor-laws in this country; and as no one had laboured more assiduously than himself in exposing those abuses and mischiefs, so no one could be more anxious and determined to reform the one, and, in every practicable shape, to apply proper corrections to the other. But, Reformer as he had been, he must own, he was astonished and confounded when he opened the Bill now before the House; it appeared to go a length which was altogether uncalled for, and was, in fact, of so extraordinary a nature that he could scarcely reconcile it with the principles of common sense, much less with those of justice. In considering the measure, he thought it desirable to draw a broad line of distinction between that part of it which related to the Law of Settlement and Bastardy, and which he would at present abstain from discussing, and the changes which it proposed in the Law of Relief, and the mode in which it was to be administered. To the latter he meant to confine his remarks. The change in relief was this,—that whereas, up to this time, relief had been administered by overseers and vestries, by order of the neighbouring magistrates, it was henceforward to be administered by the same parties, or by the vestries, or guardians of united parishes, at their discretion alone, or subject only to the control of a distant Board, sitting in London, a branch of the executive Government. Considering, that the machinery for administering any law was as important as the letter of the law itself,—that it mattered little what the law was, unless the machinery rendered it effective,—and that any law might be virtually repealed by such changes in its machinery as might place it out of the reach of the only parties who were likely to call it into exercise,—considering this,—it appeared to him of the highest importance that large alterations, such as that proposed by the present Bill, in the machinery of such a law as the Poor-law, should be most minutely and carefully examined, lest the change should tend to impair the substantial efficacy of the law itself. With all its defects, the Poor-law of England was a noble, a God-like institution,—worthy of the age (the brightest in our national annals) in which it originated,—worthy of the great statesmen (Cecil, Burleigh, Bacon, and Walsingham) who enacted it. It amply deserved the title of the great charter of the English poor. For more than two centuries it had been the blessing and the boast of England—the guarantee of her internal tranquillity—the security for the lives of the poor—and for the property and peace of the rich. In spite of the abuses by which it had been of late years perverted, it had been throughout one of the most pregnant and copious sources of the wealth, the strength, and the prosperity of this country. If such were a true description of the Poor-law, it behoved the Legislature to exercise the greatest caution, lest, in an attempt to prune its excrescences, they might cut through some of the vital parts of the system,—lest, in an endeavour to improve the working of its machinery, they might damage its main-spring, and stop the beneficial action of the entire machine. The principles of the Poor-law of Elizabeth were mainly these:—first, the suppression of mendicancy and vagrancy; those destructive pests,—fatal wherever they were allowed to spread unchecked, to the ease, the peace, the comfort of society,—to the security of property and the accumulation of wealth; as the means of accomplishing this, and the only means—proved to be so by the preceding century of ineffectual legislation of a palliative character,—the law of Elizabeth compelled relief, from a public fund, of those impotent and infirm poor, who would otherwise be forced to beg their maintenance; and likewise, though as a separate matter, the setting to work of those able-bodied poor persons, who, not being able to procure work for themselves, and having no property or means of livelihood, would, without such provision, be driven to vagrancy or crime. Of these two perfectly distinct branches of the Poor-law, the first was infinitely the more important. If work and wages were secured to all who were in health and strength, constituting, perhaps, nine-tenths of the population, it might be practicable, with comparative safety, to neglect the relief of the small, infirm remainder, who would, in this case, be almost certainly supported by their relatives, friends, and neighbours. He did not mean to say, that legislative relief for the impotent poor was not a proper and necessary institution; far from it; but in every point of view, whether of policy, of justice, or of humanity, this was of far less importance, of a far less imperious necessity, than the provision for setting to work all those able-bodied poor persons, who, in a complicated and artificial state of society, would, at times, be found unable to obtain employment; and who, if not employed, would infallibly, to escape starvation, be forced to prey upon society in some shape or other. He dwelt on this point the more because some excellent persons, friendly to the principle of a Poor-law, would yet confine its provisions to the relief of the impotent poor, and shrink from the enactment, that work should be given to the able-bodied. He could not understand their objection, it being self-evident that if relief, in the shape of work, were refused to an able-bodied man, really in want of it, one of two things must happen:—either he must become sick and infirm from hunger and want within twenty-four hours, in which case he must be relieved as impotent, and nothing would be got in return, whereas the parish might have got back its full value, by setting him to work twenty-four hours sooner; or, as the only alternative, he was driven to mendicancy, vagrancy, and plunder, and the very social evils which it was the object of the Poor-laws to prevent were brought about. The provision for setting to work the able-bodied poor was, therefore, by far the most valuable branch of the Poor-law of Elizabeth. It seized and appropriated to public and productive purposes all that large stock of loose unemployed labour that would otherwise be wasted, or engaged only in a destructive and injurious form. It set to work, in a productive manner, all those individuals who would otherwise be wandering round the country as sturdy vagrants, such as were seen infesting every corner and every street and road in Ireland, a pest and a nuisance, eating the bread of idleness, spreading everywhere filth, disease, and demoralization, consuming the resources of the country without adding anything to them, perpetrating outrage, creating disturbance, and exciting disaffection and rebellion against the authorities of the land. All these were, by the law of Elizabeth, employed not only in a harmless, but in a beneficial manner. In fact the law had effected that for at least two centuries after its enactment. The result was seen in the development of the productive powers of the country, in the extraordinary industry, tranquillity, comfort, security of property, and accumulation of wealth, which since that time had distinguished this beyond any other nation on the face of the earth. But since the year 1795, a practice had arisen subversive of the object, and repugnant even to the letter as well as the spirit of this valuable law—he meant, of course, the allowance system—the practice of paying from the poor-rate money, allowances to labourers who were in the constant employment of private individuals, but who did not receive from their employers sufficient wages to enable them to maintain their families. One effect of this practice was, to enable those employers to lower the wages they chose to give their labourers to any extent, even to the sum which would barely support a single man; the wives and families of married men being supported by the public. By this the unmarried men, and those with small families, suffered cruelly; the wages they received, if employed, being barely enough to maintain them, and even employment being usually denied them, on the plea that being single, "they can live on their wits." The certain result was, a high premium on early marriages and on large families. Every father received 1*s*. 6*d*. or 2*s*. for every child, and his children being provided for by the parish, the wholesome ties of dependence between parents and children were obliterated. The natural bond between master and man was equally annihilated. The labourer paid by the parish, and secure in receiving his allowance proportioned to his family, not to his work, was careless of pleasing his employer. All distinction was destroyed between the idle and the industrious, the prudent and the improvident, and the result was a general demoralization and deterioration of character among the labouring class, which, if not immediately checked by vigorous measures, must speedily produce the most lamentable consequences. The mischiefs of this abominable practice were universally recognized. The Bill before the House most correctly and wisely proposed to put an absolute stop to this practice. Such, at least, was the object of the forty-sixth clause, as it stood in the printed Bill in his hands. The noble Lord, it was true, since the Bill had been in Committee, had intimated that the Government intended to relax this imperative prohibition. He was sorry for it. With the hon. member for London, he had always thought that clause to be the jewel of the Bill. If it stood alone, as the only clause in the Bill, he should say, that its passing would do more to reform the abuses of the Poor-laws, than all the rest of the Bill, or any other measure that could be devised. If the principle of that prohibition were once broken in upon—if the allowance system were permitted to continue in any form, or under any circumstances—he despaired of effectual improvement. When they came to that clause, he would endeavour to persuade the noble Lord to restore it to its original stringency. He was quite prepared to prove, that it might be done with perfect safety. When the allowance system, the main root of all the mischiefs of Poor-law administration, was cut off by express enactment—what would remain to be done, for the execution of which so much new machinery was provided by this Bill? The great difficulty of those who would have to administer the law, would thus be, to deal with the able-bodied poor, who were now working for private parties, having their wages made up from the rates, who, when this partial relief was adopted, must, in case their families were too large to be maintained by the wages which their employers were willing or able to give them, come with those families wholly upon the parish for employment and maintenance. It need not be anticipated that the number of able-bodied applicants for relief would be increased by this change. But their character would be entirely reversed. Instead of the single men, or men with small families, who were now thrown on the parish, because the farmers found it more to their interest to employ the men with large families, the latter would be forced to leave their places, and come upon the parish, which places would be taken by the less-burthened labourers, who would live and support their families on the wages which the farmers could afford to give. The question was, how were these able-bodied labourers, the real surplus—those for whose labour there was no effective demand, consisting (for the most part) of respectable and industrious men, the fathers of large families—to be disposed of? The Poor-law Commissioners, in their Report, recommend that they should be relieved exclusively in well-regulated workhouses? He was sorry to say, that this recommendation destroyed the confidence he should otherwise have been disposed to place in the wisdom, judgment, and sagacity of these learned and eminent Gentlemen. So preposterous a recommendation, he could scarcely have expected to proceed from some juvenile theorist—some raw tyro in political economy, unacquainted with the state of the working classes of England, and the spirit or operation of the Poor-laws, but, disposed to dogmatize on the subject, and eager to administer some universal miracle-working specific, to fit all possible cases; and careless of the cost, the injustice, and the danger of applying his violent and experimental nostrum. He certainly could never have expected such a recommendation to proceed from a body of men of science and ability, such as the Poor-law Commissioners, and as the result of their two years' study of the subject, and their review of the enormous mass of evidence which, during that time, they had collected from every part of the country. Where were the workhouses into which to put all the unemployed able-bodied labourers in the kingdom? As yet there were none at all in nine-tenths of the parishes in England; and those that existed were nearly all full of infirm and impotent poor. Workhouses must be built, therefore. The whole country must be studded with district workhouses, or rather work-gaols; for their management and discipline was to be precisely similar to that of a penitentiary or bridewell. These must be built for the purpose! What a scheme! What a time it must be before these were prepared! Why, long before this was accomplished, either the evils of the Poor-laws would have been cured, and the surplus population, for whom the workhouses were built, be got rid of—or the whole country would have been convulsed and revolutionized! What an expense, too! But further—would it be just, would it be right, would it be safe, to refuse relief and employment, except in a prison, to all those able-bodied men, some of the very best and most industrious workmen of the kingdom, whose only fault was, that their families were very large, which same large families had hitherto been required from them as the very condition of their employment and relief? After encouraging them for years past, to marry and rear large families, by the offer of 1*s.* 6*d.* a-head per week for children—after having actually refused employment hitherto to those who had not families—was it just to turn round upon them suddenly and say, "because you have reared these large families, you shall now have no work or maintenance, except you and your families be lodged within the walls, and submit to the irksome restraint, confinement, and degradation of a prison, under the name of a workhouse?" As the sole mode of relieving the able-bodied, this proposition was most cruel, unjust, dangerous, and unwise, and not borne out by the facts adduced by the Commissioners. He had carefully gone through all the cases quoted in the Report as examples of dispauperized parishes, upon the strength of which the recommendation of the Commissioners was grounded. They amounted to seventeen in number; and, in how many out of the seventeen would the Committee suppose, that that principle of the refusal of out-door relief was enforced?—why, only in four out of the seventeen. In twelve cases relief and work were given out of the workhouse. The four cases which alone fell within the rule of the Commissioners, were Uley, Bingham, Southwell, and Llangaddoch; but what conclusion could be drawn from the success of such a system in four insulated cases, as to the probability of its success, if generally enforced through this country? It was quite obvious, that when one single parish increased the strictness of its conduct towards its poor, it might get rid of them, and diminish its rates by driving them out into the neighbouring and less rigorously-managed parishes—a resource which would be wanting if all parishes were to adopt the same system of rigour. Uley, the great example of the success of this system of a workhouse, was a case in point. Mr. Cowell, the Commissioner, who visited it, gave a list of the paupers previously on the parish, and the mode in which they had been disposed of; and from that, it appeared, that more than forty heads of families had been driven by the system to emigrate either to Canada or to parts of England, or had found work in neighbouring parishes; but these avenues would not have been open to them, if all parishes had acted in the same manner as Uley. Except these four solitary instances which proved nothing for or against a general system of workhouse relief; all the other cases of dispauperization quoted by the Commissioners, were brought about by other means, chiefly by the discontinuance of the allowance system, and the enforcement of hard work at low wages, under strict superintendence. This was the principle at Cookham, at Swallowfield, at Hatfield, at Welwyn, at Leckhampstead, at Turton, at Pultney, at Carlisle, at Burghfield, and other places. At Ilfracombe, the mere difference of 2*d.* a-day, between the pay of the parish and the independent workmen, got rid of all able-bodied applicants. When to these thirteen cases he added upwards of sixty, which were successfully dispauperized, by merely stopping the allowances, and exacting hard work for low pay, without resorting to the workhouse:—when nearly one hundred instances of successful improvement, by this simple process, could be pointed out, and only four of the costly and cruel workhouse schemes, his astonishment at the recommendation of the Commissioners to enforce, in 15,000 parishes,—the severe practice which had hitherto been tried in only four, was extreme. Their recommendation was the more strange, because they themselves, in their Report, declare it to be unnecessary. In page 262, they said, "it is true that nothing is necessary to arrest the progress of pauperism, except that all who receive relief from the parish should work for the parish exclusively, as hard, and for less wages than independent labourers receive. Cases, however, will occur, where such work cannot be obtained, &c. A workhouse meets all cases." To meet a few extreme cases, the same severe and costly remedy was to be applied to all! And yet the Commissioners, in the very same page of the Report, actually say, that "the bane of all pauper legislation has been the legislating for extreme cases." They say this in the same page in which they recommend the universal adoption, throughout England and Wales, of a mode of relief of the most severe, cruel, unjust, and perilous kind; which only four parishes have hitherto ventured upon, and which their own examples and their own admissions declare to be quite unnecessary, in ninety-nine cases out of one hundred. This was legislating for extreme cases with a vengeance. The Bill did not, indeed, go the full length of the recommendation, but it appeared to him to be drawn up entirely in the spirit of that recommendation. All its provisions pointed to the workhouse system, as ultimately to be the only mode of relief; more than twenty clauses related solely to the building and managing of these workhouses; and moreover, the Bill proposed to give the Central Commission the power, if they so choose, of limiting relief to the workhouse the moment the Act had passed. Who the Commissioners might be, it was impossible to predict; but it was not easy to believe, that better men, if other men, would be found to undertake the task than some of the late Poor Law Commissioners; and if they should be appointed, or men imbued with the same doctrines and opinions, was it not to be dreaded that they would attempt to carry into execution their own recommendation? The dread he entertained of the spirit that might animate the Commissioners to whom such enormous powers were to be intrusted by the Bill, made him hesitate to invest them with that most extraordinary dictatorship. He was not insensible to the advantages of a central and directing Board—for guiding, connecting, and rendering uniform the various local practices of Poor-law administration through the country. He considered this uniformity to be of such extreme importance, that he should be willing to concede much to obtain it. But, in the other clauses of the Bill, besides those which created and empowered the Commission, he was struck by features of a formidable character. He saw phrases employed of a doubtful construction, but which might, and perhaps would, be construed as repealing every statute whatever, concerning relief, or at least putting it in the power of the Commissioners, or of the guardians of parishes to act in direct opposition to those statutes, and to nullify them entirely. He saw multiplied provisions and contrivances, to check the expenditure of parish money—to prevent the worthless and undeserving pauper from imposing on the parish. But he saw, as it appeared to him, all security removed for the relief of the deserving pauper. He asked this question,—after the Bill was passed, what security would remain to the poor man in distress? He would have none at all. At present he applied to the neighbouring justice, who was empowered to order relief, and experience had shown that this was ample security; that power was abolished by the Bill, and vestries were left to give or refuse relief as they pleased. In the case of large towns, where the vestry consisted of respectable persons, their power would not probably be abused; but, in the rural districts, where vestries consisted of flinty-hearted and bargain-driving farmers, insolvent-struggling men, perhaps, whose first and only object was to save their pence, and grind down the labouring poor in order to hire their labour at the cheapest rate,—to allow such vestries to refuse relief altogether to any pauper, without appeal, was to annul the Poor-laws altogether. In this case it would be a contest among such parishes which should soonest get rid of their poor, and of their rates, by excessive severity. What remedy was left to a pauper in such circumstances?—to apply to the Metropolitan Commissioners! He might as well be told to apply to the Great Mogul, to indict the parish at Quarter Sessions!—as well tell him to bring his complaint before the Emperor of China! It was quite clear, that, to leave the pauper no accessible tribunal of appeal, was to deprive him altogether of his security for relief—of his right to it in a case of real distress—a right, be it remembered, which he had enjoyed for two centuries and a-half—a right, older and stronger, and holier by far, because more directly based on the first principles of justice, humanity, and Christian duty, than the titles to half the estates in this kingdom. The Bill seemed to him to repeal the 43rd of Elizabeth, as well as every succeeding Act, and to place the lives and securities of the poor of this kingdom at the disposal of three Commissioners. The 47th clause repealed the 36th George 3rd, 55th George 3rd, and 59th George 3rd; that was to say, all those Acts, or parts of those Acts, by which Magistrates were empowered to order relief to poor persons out of the workhouse. It did not, it was true, repeal the 3rd and 4th William and Mary, nor any part of the 9th George 1st, under both of which justices had power to order relief to poor persons, though not out of the workhouse; but the 48th clause of this Bill took away all power of ordering relief from every party but the guardians, vestries, or boards, in parishes having select vestries. There would remain, after the passing of this Bill in its present shape, a power lodged in justices to order relief to poor persons only in such parishes as were not joined in unions under this Act, and had not select vestries; but as the Commissioners would speedily join all parishes in unions, when that was done, the power of the Magistrates to order relief would cease; and the giving and withholding relief, in all cases, would be entirely optional with the guardians, vestries, and boards, of the parishes or unions. This was a great and serious alteration in the machinery of the Poor-laws. For nearly 300 years, the Justices had had the power to compel parishes to relieve their poor. The 5th Elizabeth, gave them that power. It was confirmed by the 14th, the 39th, and the 43rd Elizabeth—by the 3rd and 4th William and Mary, the 9th George 1st, the 36th George 3rd, the 55th and 59th George 3rd; and in no case, and at no time, repealed or interfered with, except by the limitation already adverted to, of the 9th George 1st, confining relief to workhouses at the discretion of parishes, (which limitation was repealed by the subsequent Acts, the 36th, 55th, and 59th George 3rd). It was now proposed, therefore, in an indirect manner, to remove that security which, for more than two centuries and a-half, the poor of England had enjoyed, and under which the country had reaped the advantages of freedom from mendicancy and vagrancy,—of a tranquillity and security of property unexampled in the history of nations. And what was it proposed to substitute for this ancient, legal, authorized security for the existence of the poor? Nothing! All that would remain was a power in parishes acting through guardians, vestries, and boards, at their option to relieve or not!—they were freed from all compulsion—for even the Commissioners were prohibited from ordering relief by their Assistants. The right of the poor man to be relieved by his parish was effectually taken away by this Bill,—a right expressly recognized in words by the 9th George 1st and the 36th George 3rd; and, in place of it, he was left unconditionally, and at the mercy, and to the voluntary charity, of his parish, or the union of his and other parishes, whilst even their voluntary charity was liable to be controlled and impeded, and forbidden by the Central Commissioners. But was that right? Was it just? Was it safe? At a time when the vested interest of worthless pensioners of high rank on the public purse was recognized by Parliament as a sacred title—was the same Parliament prepared to abrogate, at a word, the legal and ancient title of the poor to existence?—a title 300 years old, as old, as legal, as fully recognized in Acts of Parliament, as the title of the wealthiest noble to his estate, and founded on still more evident principles of justice and truth! If so, the title to any estate was worth but a very few months' purchase. On these grounds, although he had not opposed the appointment of the central Commission,—though he did not mean to oppose the granting to them large discretionary powers for regulating and directing the administration of the Poor-law,—still he would not consent to give them a power to supersede, override, nullify, and repeal, by their mere breath, every act, fragment, and letter of the Poor-laws. Neither would he consent, by any other clauses or parts of this Bill, to repeal and nullify the ancient, equitable, legal right and title of the poor to relief in cases of necessity. Neither would he consent to empower either the Commissioners or Boards of Guardians to imprison, without offering them any other alternative, all such able-bodied poor as were prevented, through no fault of their own, but the pressure of the times, from finding employment. In order to secure this much at least of what he considered to be strictly demanded by right and justice, for the poor of the land, he intended to move the resolutions he held in his hand. He knew, that it was distasteful to many to hear of "the rights of the poor" to relief, or their title to be saved from starving. Even many most amiable and benevolent individuals had fallen into the error, as he conceived it, of denying the existence of any such rights as founded in natural justice. That these were some of the first and primary rights of every member of a civilized and law-governed community, was, he thought, most easy to prove; but it was sufficient for him to show the long existence of the legal right and title of the poor in this country to relief. This, at least, could not be disputed, because it was expressly stated in the letter of repealed Acts of Parliament;—had received the sanction of the practice of ages, and the express and repeated recognition of the highest authorities in Courts of Law. This legal right, therefore, could not be denied; and would the House, he asked, refuse to acknowledge it, while passing an Act which, without such acknowledgment, went virtually to annul it? He put it to the House as a matter of policy—the right of the poor to relief, being, instead of a thing that ought to be spoken of only in a whisper, and never recognized in acts, nor declared in conversation, a principle, the recognition of which was at the very bottom of the right to landed property, and the corner-stone of social order,—whether it would endanger all by denying the right of the poor? The more openly the right of the poor to existence, and consequently to relief, when their existence was endangered for want of it, was acknowledged, the more certainly did they bind the poor to entertain a love for the law which protected them, a respect for the property on which they were allowed a lien in case of urgent necessity;—the more certainly would the House confirm the tranquillity, peace, and order of society, which could not exist where the mass of the people had no security for their existence. Remove the security which the people of England had enjoyed for centuries under the paternal shade of the Poor-laws; and either the just indignation of this class, at the shameless contempt shown of their legal and ancient rights, would speedily bring on a desolating convulsion, uprooting the whole framework of society from its foundations; or if the courage and the combination be wanted among that class, the country would speedily be converted into the same state as Ireland, where bands of vagrants wandered about the country, destroying the security of property, driving capital from the land, and putting an end to the peace, comfort, and happiness of all classes of the people. The country would be exposed to insurrectionary violence, and it would be found too late, that, by depriving the poor of their rights, the property of the rich, as well as their security, would be destroyed. There would then come a termination to the prosperity and greatness of England. The hon. Gentleman concluded, by moving, "That it be an instruction to the Committee on the Poor-laws' Amendment Bill, to preserve inviolate the right, to which the poor of England have been entitled for centuries past under various Acts of Parliament, to be relieved when in a state of destitution by and at the cost of the parishes in which they may be legally settled; as well as the right of every individual to receive immediate relief in the extremity of distress from the overseers of the parish in which he may happen to be at the time, whether having a settlement therein or not."

The *Speaker* intimated to the hon. Member, that it was usual to move an instruction only in cases where it was desired to enable the Committee to do something which it could not do without such instruction. In the present instance, it was clearly within the power of the Committee to carry into effect the objects of the proposed instruction; and the hon. Member, therefore, need not move it unless he meant to imply a doubt as to the Committee properly discharging its duty.

Mr. *Poulett Scrope* said, it was far from his intention to do anything not conformable to the regulations of the House, and he would therefore endeavour to effect his object by proposing specific clauses on the subject in Committee, or on the third reading of the Bill.

Mr. *Robinson* expressed his concurrence generally in the sentiments of the hon. member for Stroud, and advised him to bring up the clauses of which he had spoken on the third reading of the bill, in order that an opportunity for an ample discussion of them might be afforded.

Amendment withdrawn.

Sir *Eardley Wilmot* thought the hon. Gentleman who had just addressed the House was mistaken in saying, that the plan was new. A report on the subject of the Poor-laws was presented many years ago to Parliament, on which Gilbert's bill (22nd George 3rd) was founded. With the exception of the establishment of the Central Board, the recommendations of that Report were precisely similar to the enactments of the present Bill, the only difference being that its application was voluntary instead of being compulsory. His object in rising, however, was to remind the noble Lord (Althorp) that he had stated that the Bill before the House would have the effect of giving relief to the agricultural interest. But he was sure that it would not give them what their depressed state required—immediate relief; for the clause with respect to the allowance system was not to come into operation until next year, and a considerable time must, of course, elapse before the new workhouses could be built. He thought, however, he could suggest a provision, to be incorporated with the present measure, which would have the effect of giving immediate relief to the agricultural interest. He understood that the main objection entertained to the Bill before the House, was founded on the entire control which it gave to persons not contributing to the support of the poor over the funds collected for that purpose, neither the rate-payers nor their representatives being allowed to interfere in their management. He also understood that the great burthen which pressed on the agriculturists was local taxation. He would therefore suggest, that as the Government proposed to take into their own hands, through the commissioners, the management of the poor, they should also take upon themselves the maintenance of the poor. Local taxation would then entirely cease, and the poor would be supported out of the general taxation of the country. He believed, that if his proposition were carried into effect, it would be attended with beneficial results, both in a pecuniary and moral point of view; for by relieving the farmer of a portion of his burthens, and by promoting a feeling of independence and self-esteem in the mind of the labourer, it would draw more closely those ties which ought for ever to bind together the labourer, the farmer, and the landowner.

Mr. *Cobbett* observed, with no surprise, that the hon. Baronet had proposed to maintain the poor out of the Consolidated Fund. He had always thought it would come to this. One step further the hon. Baronet might go, and one only, and that was, to charge the Government with the keeping of all the people. When the hon. Baronet talked of local taxation, he seemed to think, that the farmer paid the rates out of his own pocket, out of some store; but it was no such thing. He paid the rates out of the price of his wheat and corn that he carried to market. The farmer paid no more of the rates than other people, and he would be no more relieved than other people by the system that the hon. Baronet recommended. The Poor-rates were already diffused all over the country, and the farmer's rates were paid by those who consumed the produce of his farm. In many respects the present Bill could not be carried into effect, and therefore, in passing it, the House would in fact be passing no law at all. If the Bill could reduce the amount of rates, that, at least, must be a work of time, and the expenses of erecting workhouses in the first instance would be very great. He was glad to hear the hon. member for Stroud contend for the rights of the poor. Those rights ought to be the basis of the Bill itself, and it ought to recognise those rights. The hon. member for Marylebone had said, that what the poor received of their parishes was of the nature of alms or charity, but everybody knew or ought to know, that the right of the English poor to relief in cases of indigence was as sound and as good a right as that of any gentleman or nobleman to the possession of his lands. It was their right by law, founded in nature and on the principles of civil society; and if this were not a right, what right, then, had they to call on the poor to become militiamen to defend their estates, those lands on which they could not come for relief, even in cases of starvation? A noble Lord in another place had said, that he would bring in a Bill to alter the Poor-laws; but, after a Session or two had passed, he thought it prudent to appoint a Poor-law Commission, and this was the history of the present Bill. That noble Lord had said, that the principles of Malthus were sound and just, and that he would defend them to the utmost extent. Now, what were the principles of Malthus, but to deny relief to the poor altogether? Malthus had proposed that an Act should pass saying, that if the poor married after the passing of that Act, the consequences should be entirely their own. He said to the poor, "There is no relief for you, no relief at all; at nature's board there is no seat for you." It was imprudent in him to refer to the law of nature. If he told the poor to rely on nature, the poor had strength, they had power, they would take, and would not go to ask relief from parish officers. They would go and take the nearest to their hands, and all that they liked the best. The law of England had said, that if a man were in want of food, or the means of sustaining life, he had a right to take it wherever he could find it. Gentlemen might laugh, but he said again, that it was the law of England. Blackstone and Hale contended, that men in England had no right to take the property of others under any circumstances. They had quoted civilians to show, that men in a state of destitution, in want of sustenance, had a right to seize it wherever they could lay hands upon it; but then they maintained that, in England, no such right could exist, because parish officers were always at hand to afford relief. If parish officers, therefore, were not at hand, the right of nature to take would return. Gentlemen were angry with the poor because the Poor-rates were so high; but had they a right to call on the poor to defend their estates whilst they were told that even whilst starving they had no right to relief? By the present Bill three extraordinary gentlemen, perhaps from Scotland—perhaps, for what he knew, from Hanover—were to take the management of the poor from the hands of the gentry, and to destroy the powers of the local magistracy. Where was there any limit to the powers of the Commissioners? These Commissioners were to say, that relief was to be denied to labouring men, unless they were placed within the walls of a workhouse. Suppose a hard-working, honest man was to break his leg in his master's service, would they take that man from his wife and children, from his little cottage, and put him into a workhouse? If they passed such a Bill he did not believe, that the Lords could be brought to pass it. But the poor had ailments of various sorts, and great numbers, before the age of forty, were victims to the rheumatism. Were such men to be taken to the workhouse? No; he did not believe, that the noble Lord could intend any thing of the sort, and such a law never could be carried into execution.

Lord *Althorp* denied, that the poor had a right to seize upon the property of others to supply their wants. All the rights the poor now possessed were preserved to them by the present Bill, and the objections to the Bill on that ground were unfounded. The Bill did not, as had been erroneously represented, go to the extent of saying that no relief should be given out of the workhouse. The object of the Bill was to bring the law back to what it was originally, and what it ought to be; but it was by no means the wish of his Majesty's Government to have the Poor-laws done away with.

Mr. *Thomas Attwood* did not concur with the noble Lord, that the Poor-laws were an evil, as the noble Lord had described them. He agreed with the hon. member for Oldham, that the laws of nature and the laws of England were identical, and that every man had a right to live by the fruits of his honest labour. The man who applied himself to honest labour, and by that means was willing and able to earn his bread, had a better right to support than the noble Lord had to the hat on his head, or the coat on his back. It was not the pressure of the Poor-laws that was so oppressive and burthensome on the people. No; it was the cursed Currency Bill, which was nothing less than a barefaced fraud upon the country. The interest of the National Debt was more than six times a greater burthen on the country than the Poor-laws. For his part he had never yet heard out of that House a single complaint against the Poor-laws in his life. He would repeat that he never had. In his own parish, at Birmingham, although he never interfered in parish matters, he knew that they came last year to a resolution to do away with the workhouse altogether, as a more expensive mode of providing for the support of the poor than paying them out of doors. It was found that 2*s.* 6*d.* given to afford out-of-door relief went further than 4*s.* would go in the workhouse. The whole of the Bill he looked upon as founded in error, and the details were so monstrous that he was convinced the whole power of Parliament would never be able to carry it into effect.

The House went into Committee.

The 13th Clause having been read, which provides, that the power of affording relief to the poor shall be placed in the hands of the Commissioners,

Colonel *Torrens* rose to bring forward an Amendment to that clause of which he had given notice. He considered that the principle on which his Majesty's Government and that House would be disposed to legislate on the subject at present under discussion was, that the local authorities of the country should have their powers as little infringed upon as possible. The noble Lord admitted that, and had declared, that he was not disposed to give one iota more of power to the Commissioners than was necessary to carry into effect the provisions of the Bill. He would show, that the Commissioners ought not to have the power to frame rules and regulations without the consent of the parochial authorities, or of the rate-payers of the parish; and he was sure, that the Amendment he was about to propose would tend to increase rather than to diminish the efficacy of the Central Board. There was nothing in the Bill to carry it into effect, and his Amendment would go to remedy that defect in the most satisfactory manner. If the Commissioners, instead of being nine in number, were multiplied to nine times nine, it would be impossible for them to carry the Bill into effect in all the parishes of the kingdom, without the aid of the local authorities; and the only way in which the cordial assistance of the local authorities could be hoped for would be, to give them the power of co-operating with the Commissioners in making rules and regulations for the government of their respective parishes. They would then be more ready to give effect to the provisions of the Bill than if they were forced to agree to the arbitrary regulations of the Commissioners alone." In all those parishes where the affairs were already well managed and good regulations established, the Commissioners would not be disposed to act at all, or to extend their interference; but in those parishes where bad management was notorious, and where the rates had been increased, even on the rack-rent, it must be admitted by all, that some interference was absolutely necessary, for otherwise the whole property of those parishes would be swallowed up by the poor-rates at no very distant time. The best way to correct the evil of such mismanagement would be to have all orders and regulations brought into operation with the concurrence of the local authorities and the voluntary act of the rate-payers themselves. Thus, only, in his judgment, could the law under this Bill be wisely and justly administered. The amendment would further provide, that in all the badly-regulated parishes, if the local authorities refused for twelve months to aid the Commissioners in framing new orders and rules, and thus obstructed the working of the Bill, it would be in the power of the Commissioners to apply to Parliament, on the petition of the majority of the rate-payers of each parish, for a specific Act to enforce the provisions of the Bill; so that, in the end, the result sought for would be the same; but this proceeding would have the satisfactory effect of reconciling the minds of the people to the changes made in the law. He also intended, that petitioners should be heard by counsel, if they thought fit, on any application to Parliament, for a constraining Act, so that no rules or regulations should be forced upon them without a full hearing being given to their objections against them. It might be urged as an objection to part of his amendment, that it went to the possible enactment of 16,000 Acts of Parliament, one for each parish in England. This was, however, an erroneous view of the case, for 8,000 parishes, half of the list, must be struck out, and, of the other half, he did not think that many would be found to resist pertinaciously the forming proper regulations for the management of their affairs; so that, in fact, very few Acts would be found necessary; and, moreover, if this were found to be an inconvenience, it would be very easy to lump several parishes into one Act. But, even supposing that some inconvenience were to arise, what would that be as compared with the great advantage of popularizing the Bill, and framing it so as to work with the aid and concurrence of the people for whom it was intended? A good system of local government he looked upon to be the perfection of all government; for if the various branches of the body politic were not kept in a wholesome and well-regulated state, it would not be possible to preserve, for any length of time, the vital principle unimpaired. As he was desirous, therefore, to interfere as little as possible with the influence which the local authorities of the country ought to possess, he should propose, as an amendment, "That no rules or regulations, framed by the Commissioners, should be binding on any parish without the concurrence of the majority of the rate-payers."

The *Chairman:* The Committee has not come to the part of the clause when the amendment or amendments of the hon. and gallant Member can be submitted to the Committee.

Colonel Torrens, on this representation, postponed his Amendment, and a lengthened conversation took place on the clause. All which seemed important is preserved in the following passages:

Mr. *Godson* must protest against the power given to the Commissioners by this clause as perfectly monstrous. It gave them the power of making and unmaking laws at their pleasure. He thought that the powers given to the Commissioners would be much limited by letting the clause run, "the administration of the laws for the relief of the poor," instead of "administration of relief to the poor."

Sir *James Scarlett* objected to the wording of the clause. It was so obscurely drawn up, that it must involve the country in endless confusion and litigation. Why should the House delegate to unknown Commissioners the power of making laws, which hitherto it had exercised itself. If the Commissioners were to make rules and regulations contrary to the existing laws, there was no court of appeal to which any of his Majesty's subjects could apply for redress. Suppose they were to make regulations contrary to the 43rd of Elizabeth, the 17th of George 2nd, or any other act, local or general, under the existing law, a *certiorari* might be moved for in the King's Bench; and if the regulations were illegal, the court would have no hesitation about quashing them. But, by this Bill, the power of moving for a *certiorari* was taken away, and the subject was left with no mode of obtaining redress, except by a direct appeal to that House. He contended, that the Legislature ought not to be called upon to explain the law; that was a duty which belonged to the judicial, and not to the executive government. He put it to the noble Lord distinctly thus:—"Is it the intention of the Government to give these Commissioners the power of making and unmaking laws?" If it were, let the House know it at once, and then he should be prepared to oppose the Bill. But if such were not the intention of the Government, let the clause be so worded, as to make that intention clear.

Lord *Althorp* said, that there was no intention of giving the Commissioners powers either to make new, or to alter the existing laws.

Mr. *Charles Buller* expressed a hope, that the noble Lord would assure the Committee, that the Commissioners should not be hampered in dealing generally with this subject by the regulations or acts prevailing in certain local districts. Did the hon. and learned member for Norwich mean to say, that this clause gave the Commissioners the power of dispensing with the laws? Any lawyer who said so might understand the law, but certainly could not understand the English language. The words of the clause only gave the Commissioners the power of administering the existing laws of England.

Colonel *Evans* complained of the manner in which the noble Lord was conducting this Bill. It was impossible to learn what the noble Lord meant to do with any clause. This Bill repealed 200 Acts of Parliament. He stated positively, that this clause gave the Commissioners power to interfere with various local Acts, and to repeal all the select vestries which were established at present.

Mr. *Bonham Carter* said, there were provisions in this Act which enabled the Commissioners to deal with certain laws—local Acts, for instance; but the question was, whether the Commissioners were to have the power of abrogating the acts of the Legislature. It appeared to him, that the Commissioners were not authorised to exercise any such power, but that there were parts of the Bill by which they might deal with private Acts.

Lord *Althorp* observed, that the clause gave the Commissioners power to suspend, alter, or rescind rules, orders, and regulations, for the management of the poor, and for the administration of the laws for their relief; and, in another clause, it was provided, that by-laws made under any local Act were to be subject to the confirmation of the Board. Now, he intended to leave out the latter words, so that the powers of the Commissioners would be confined to making or altering rules for the management and relief of the poor, and not extend to "any local Act," as specified in the sixteenth clause.

The *Solicitor General* said, it was complained, that no sufficient remedy was afforded for any violation of the law under this Act; but it appeared to him, that the Bill itself provided every possible precaution against violations of the law, especially when it was considered that all rules must be submitted to the Secretary of State, and afterwards to Parliament. With reference to what had fallen from the hon. and learned member for Norwich, he maintained, that the object of the present clause was to give the Commissioners power to make rules for the relief of the poor, and the power which they were to exercise was particularly specified. Where existing Acts were to be interfered with, a specific power was given for that purpose; and therefore the present clause did not convey a general power. Much of the evil that existed in the administration of the Poor-laws, consisted in discretionary departures from the provisions of the law. The object of this measure was, to remedy the evils, and substitute one general authority for all the existing local authorities.

Sir *William Horne* said, that it was the duty of Parliament to take care that the principle of the Poor-laws should not only be set right, and adjusted on satisfactory grounds, but that the execution and administration of the law should be placed on a good footing. The present clause was one of the highest importance, and it was extremely desirable to ascertain unequivocally what interpretation was to be put on the first paragraph of this most important clause. The question was, whether the Bill gave the Commissioners a legislative, or only judicial and administrative power? He thought it could not be seriously intended to give them a legislative power—if not, the Bill could only confer a judicial or administrative authority. But was it not against all precedent, and contrary to common sense, to give to those who were to execute the laws powers couched in language so loose and indeterminate, that it was difficult to ascertain what was the actual intention of the legislature? The subject was evidently involved in difficulty, owing to the wording of the clause, but it was the duty of the House to take care to render its language so clear, that no administrative power should be able to plead the excuse of doubt or ambiguity for its possible ignorance or deviation from the law. He begged the attention of the Committee to the clause, which ran in these terms:—"And be it further enacted, that from and after the passing of this Act, the administration of relief to the poor throughout England and Wales shall be subject to the direction and control of the said Commissioners." A question was asked, whether this power was meant to be confined to the administration of relief to the poor; to which question no direct answer was given, from which he inferred that it was not convenient to give such an answer. If the meaning of the Act was, that the Commissioners should be only empowered to administer the Poor-laws, why not state the fact in express terms? It should not be left to a Court of Justice hereafter to define the meaning of the Act and the powers of the Commissioners. The difficulty should not be left to be remedied by those to whom was merely intrusted an administrative power, which, as he conceived, must be all that it was intended to confer upon the Commissioners. It was due to the public (if the House did not mean to give the Board a power beyond the law) that the clause should be so framed that all parties could understand it. He thought it was absolutely necessary, if the first paragraph of this clause was to be allowed to stand, that the House should define the power conferred by it in language which could be generally understood. If objections were made to altering the paragraph, it would be better to take it out altogether. Unless some such course were taken, the measure, instead of being useful to the public, would be attended with the utmost uncertainty and confusion; a matter which was of the more consequence as it related to a subject so important, and to a new jurisdiction, over which nobody but Parliament itself could exercise any efficient control.

Sir *James Scarlett* suggested, that words should be added to make the Commissioners act according to the existing laws.

Lord *Althorp* observed, that the words of the clause stated, that the administration of the relief of the poor remaining in the hands in which it was placed at present should be subject to the control of the Commissioners. It was the principle of the Bill that the administration of the relief of the poor should be under the control of the Commissioners; but it was not the principle of the Bill that they should administer the law themselves. He did not mean that the clause should give them a legislative power further than the Bill specifically stated it to be given them. He should have no objection to the introduction of words to the effect suggested by the hon. and learned member for Norwich.

Viscount *Howick* said, that there was a very simple mode of proceeding if any rule made by the Commissioners were considered of an improper nature, namely, a petition to the Privy Council. It was no new thing for the Privy Council to exercise a judicial control over rules and regulations of a similar nature. When it was considered, that the power of the Commissioners would be subject also to the further control of Parliament, he thought there was a sufficient security for the propriety of their regulations.

Mr. *Godson* observed, that the Bill contained no provision empowering parties to appeal to the Privy Council.

Viscount *Howick* said, that no such provision was necessary. As the King in Council was to give force to the rules and regulations of the Commissioners, it was competent to any person who felt aggrieved by them to appeal against them.

Mr. *Clay* said, he had no doubt that the declarations made by the noble Lord (Lord Althorp) would be satisfactory to the public—namely, that the Commissioners were not to possess a legislative power to abrogate any law which was not specifically repealed by the Act, and that the only power really transferred to them, was that now exercised by the local Magistracy. With respect to the Amendment, he would remind the Committee that they were legislating for overseers, and persons of not very cultivated minds, and therefore it would be well that the Act were made explicit and intelligible. He could see harm in the introduction of the word proposed. With respect to the power of appeal to the Privy Council, it was very well that such a power should exist; but it would be better to frame the law so that it would not be necessary to have recourse to it.

Mr. *Halcombe* contended, that Gentlemen had not defined what they meant by legislative powers, or precisely limited the authority of the Commissioners. They only declared, that the Board should not abrogate or change existing laws; but he submitted, that it was not precluded from making new laws relative to the education of the children of the poor, in reference to emigration, or upon any subject which did not come within the range of existing Statutes. This being the case, the Commissioners would have the power of framing such laws as were not in contravention of existing Acts, but which new regulations or laws would, nevertheless, be binding on the poor, though not made by Parliament.

Mr. *Jervis* was surprised that the noble Lord, and the hon. and learned member for Malton, who disclaimed any intention of conferring on the Commissioners a power to abrogate existing laws or frame new ones, should hesitate about rendering the clause distinct and explicit on that subject.

The Amendment proposed by Sir James Scarlett, limiting the powers of the Commissioners to act according to existing laws, was agreed to.

The Amendment above-mentioned, moved by Colonel Torrens, and then postponed, was put to the vote, and read as follows:—"That the rules, orders, and regulations issued by the Commissioners shall not take effect in any parish, unless the same shall be approved of by the majority of the owners of property or rate-payers in the said parish; provided always that if two-thirds of the rate-payers and owners of property in a parish shall for twelve months continue to disallow the rules and regulations proposed by the Commissioners, the Law Officers of the Crown shall be directed to bring in a Special Bill to enforce the said rules and regulations in the said dissenting parishes; and that the said dissenting parishes shall be allowed to be heard by counsel in support of their objections."

Lord *Althorp* observed, that one great object of the present Bill was, to introduce a new and altered mode of managing the poor in the various parishes throughout the country, but if the Amendment proposed by the hon. Gentleman—namely, that no alteration should be introduced, unless approved of by the different parishes where it was to take effect—should be adopted, the effect of it would be to leave them precisely in the state in which they were at present. The present mode of managing the poor was, it was obvious, adopted in all parishes according to the choice, the very ill-advised choice, he thought, in many instances, of such parishes. The result, therefore, of such an Amendment as the present was, that it would entirely abrogate the provisions of the present Bill, for if it were left to parishes to adopt it, they of course would adhere to their present, in many cases (such as in the south of England), most ill-advised system of managing the poor. The second portion of the hon. Member's Amendment enacted, that in case parishes did not adopt the rules, Bills for enforcing the same should be brought in by the Law Officers of the Crown. He knew of no similar provision ever before contained in an Act of Parliament, and, if it were to be introduced, the hon. Member ought to go further, and say, that Parliament should pass such Bills.

Lord *Sandon* said, that though he objected to many of the powers proposed to be given to the Central Board, he could not assent to an Amendment that would strike radically at the whole principle of the Bill.

Colonel *Torrens* said, that the noble Lord had declared that the adoption of this amendment would destroy the operation of the Bill; but, if fairly viewed, it would be seen, that it would have no such effect. The noble Lord admitted, that parishes in the north of England were well administered, and did not require this Bill; but then, the noble Lord added, that the parishes in the south of England were not well administered, and that they would not adopt the rules proposed by the Commissioners. Now, surely, if the Commissioners should propose rules, that experience had proved had worked advantageously in diminishing the rates elsewhere, it was but right to assume that the parishes in the south of England would adopt them. He (Colonel Torrens) entirely approved of the principle of the Bill; but he thought that the working of it should be more connected with popular co-operation, in order to remove the existing jealousy and apprehension on the subject. An alteration in the Bill to that effect would remove the jealousy which was entertained with regard to it, especially in the large towns. If popular rights were more respected in the Bill, he was sure that the measure would be approved of by the country at large.

The Amendment was negatived.

On the remainder of the clause being put,

Sir *James Scarlett* objected to conferring upon the Commissioners such great powers as were contained in the provisions of the Bill, without the check which would be afforded by the continuance of the power to issue writs of *certiorari* to remove any decision under the rules, orders, or regulations of the Commissioners into a Court of Record, with a view to a legal adjudication. The power intrusted by this Bill to the proposed Commissioners was infinite, and it was possible that rules, orders, or regulations might be issued by that body which would, when brought into operation, be inconsistent with the existing laws. The only check or remedy against such inconsistencies was by the removal by writ of *certiorari* of the proceedings into the Court of King's Bench—a tribunal which regulated the proceedings of all courts of inferior jurisdiction. Such jurisdiction over the acts of these Commissioners ought to be preserved, or there would be no security to parties most deeply interested. Conceiving that such power would be well reserved to the Court of King's Bench, he should move that the words at the latter end of the clause, "that no general rule, order, or regulation shall be removed or removable by writ of *certiorari* or otherwise into any of his Majesty's Courts of Record be omitted.

Lord *Althorp* was understood to concur with the hon. and learned Gentleman that it would be most advantageous that a controlling power should exist upon points of law, but in the present case he thought great inconvenience might arise from the recourse to writs of *certiorari*. To remedy such inconveniences the words at the end of the clause had been inserted, because the rules of the Commissioners were not intended to apply to individual parishes, but to regulate the proceedings of all the parishes in England and Wales. This had been done to meet the apprehensions that scarcely a single rule or order could be published without some individual parish applying for a writ of *certiorari* against it.

Sir *Thomas Freemantle* said, that if it could be thought that any rule would be made by the Commissioners which would call for a writ of *certiorari*, it was proper for the Legislature to stop before it conferred the power to make these rules and orders. It appeared to him, that all inferior officers, whether belonging to municipal or other corporations, ought to be amenable for their acts to the authority of a jurisdiction such as the Court of King's Bench. In the present case, though it was true that the rules, &c., were to be submitted to the Privy Council before brought into operation, yet the time allowed between their publication and being brought into force was insufficient to put the public, most to be affected with their details or provisions, on their guard. Under such circumstances, he contended, that the writ of *certiorari* should be still open to the parties aggrieved or otherwise.

Lord *Althorp* said, that the suggestion of the hon. and learned member for Norwich was of weight and deserving consideration, and he should wish it to be postponed. At the same time he thought the difficulties which had been suggested would be met by the insertion of a clause he proposed to move, that all rules, orders, and regulations issued and published by the Commissioners, should be presented by one of the Secretaries of State to both Houses of Parliament within one week from the commencement of each Session.

Amendment withdrawn, and the clause as amended with the reservation of the concluding sentence, agreed to.

The other Clauses to the 19th with verbal amendments, were agreed to.

On Clause 19 being put from the Chair,

Sir *Samuel Whalley* objected to the power proposed to be given by it to the Commissioners, to expend a tenth of the parish funds whether the parishes liked it or not. That would give them an uncontrolled power over nearly 1,000,000*l.* He objected also to the large sums which might be levied in particular parishes under this clause, and maintained, that there was not a parish in the country which had not some building already erected that would answer the purposes of a workhouse.

Lord *Althorp* was willing to remove that objection of the hon. Member which related to the amount of money to be levied in any particular parish, by limiting the amount to 50*l.*, where a tenth of the annual rate would exceed that sum. Where it did not go beyond that amount, a tenth of the annual rate would of course be levied. With regard to the powers to make alterations in workhouses given to the Commissioners, they would not in most cases be applied beyond putting a lock on a door, or perhaps building up a small wall, or incurring some other trifling expense of that kind. He trusted the hon. Member would not obstinately resist the power of making such alterations being given to the Commissioners.

Clause, with Amendments agreed to as was the 20th clause. The House resumed, the Committee to sit again.

JEWISH CIVIL DISABILITIES BILL.] Mr. Robert Grant moved the Order of the Day for the House to resolve itself into a Committee on the Jewish Civil Disabilities Bill.

Mr. *Cumming Bruce* thought it very improper to proceed with such an important measure at that late hour, and he should move, as an amendment, that the House do now adjourn.

Mr. *Hardy* supported the Amendment, and declared that, consistently with the duty which he owed to his God, he never would consent to advance those to places of dignity and honour who maintained, that the religion he professed was an imposture.

The House divided on the Amendment —Ayes 7; Noes 63: Majority 56.

The Bill then went through the Committee.

List of the AYES.

Agnew, Sir A.
Forster, C.
Hughes, H.
Ingham, R.
Nicholl, J.
Plumptre, J. P.
Willoughby, Sir H.

TELLERS.

Hardy, J.
Bruce, C.

List of the NOES.

Aglionby, H. A.
Blackburne, J.
Blake, M. J.
Baines, E.
Bernal, R.
Brocklehurst, J.
Baring, F. T.
Brotherton, J.
Bowes, T.
Bulteel, J. C.
Divett, E.
Denison, J. E.
Dundas, Capt.
Ebrington, Viscount
Ellis, W.
Elliot, Capt.
Fenton, J.
Finn, W. F.
Fergusson, C.
Grant, Rt. Hon. C.
Gisborne, T.
Greene, T.
Godson, R.
Howick, Lord
Hodges, T. L.
Hutt, W.
Hawes, B.
Handley, W. F.
Hyett, W. H.
Howard, P. H.
Jerningham, H. V. S.
Jervis, J.
King, E. B.
Langdale, Hon. C.
Maberly, Col.
Martin, J.
O'Connell, M.
Orde, W. H.
Pease, J.
Peter, W.
Pelham, Hon. C. A.
Parker, J.
Parrott, J.
Potter, R.
Romilly, J.
Rippon, C.
Ruthven, E.
Roche, D.
Sandon, Lord
Stuart, Lord D.
Strutt, E.
Torrens, Col.
Thompson, W.
Tower, C. T.
Wason, R.
Walter, J.
Williams, Colonel
Wallace, R.
Wall, C. B.
Wood, G. W.
Young, G. F.

TELLERS.

Tooke, W.
Grant, Rt. Hon. R.

HOUSE OF LORDS,

Tuesday, May 27, 1834.

MINUTES.] Petitions presented. By the Duke of HAMILTON, from Perth, against the Abjuration Oath; also against the Exclusive Privileges of Corporations; also for an Alteration in the Bankrupt Law (Scotland).—By the Earl of CAMPERDOWN, from Callender, against the present System of Church Patronage in Scotland.—By the Marquess of LANSDOWN, the Earl of WINCHILSEA, and Lord BEXLEY, from several Places,—for Protection to the Established Church.—By the Earl of DURHAM, from East Kent, against Tithes.—By Lord SUFFIELD and Earl FITZWILLIAM, from South Erpingham, and the Metropolis,—against the Corn Laws.—By the Duke of GLOUCESTER and Lord BEXLEY,—from several Places,—against the Claims of the Dissenters.—By the Dukes of GLOUCESTER and WELLINGTON, the Marquess of LONDONDERRY, Lord BEXLEY, and the Bishop of LICHFIELD, from several Places,—against the Admission of Dissenters to the Universities.—By Lord LYTTLETON, from Yardley, for the Better Observance of the Lord's Day.

THE RUSSIAN AMBASSADOR.] The Marquess of *Londonderry*, in rising to give notice, that, on Monday next, he would call the attention of the House, and particularly of his Majesty's Government, to the state of British relations with the Court of St. Petersburgh, which had been left for so long a time without any representative of the Crown of this country, wished to state, that he thought it necessary that some explanation of so singular a circumstance should be given. It was, he believed, in August, 1832, that Lord Heytesbury was removed from that embassy. In October, 1832, Sir Stratford Canning was appointed his successor, but, up to the present period, he had not repaired to his station, and his Majesty had had no fit representative at St. Petersburgh. He thought the present moment a proper opportunity for directing attention to the subject, in consequence of the recal, of which he had heard with the deepest regret, of an individual, who for five-and-twenty years had discharged the diplomatic functions attached to the post of Ambassador from the Court of St. Petersburgh to this country with exemplary fidelity, ability, and satisfaction to all with whom he held intercourse. No one, he felt satisfied, was more competent adequately to discharge the duties of the laborious and responsible office he filled. Upon what grounds, whether of etiquette or otherwise, his Imperial Majesty had thought fit to recal that illustrious individual, it was not for him to inquire; but he should certainly think himself justified in asking the noble Earl opposite why, our Ambassador having been recalled from the Court of St. Petersburgh, another of equal rank was not sent as the representative of his Majesty at that Court.

Earl *Grey* said, with reference to the observations of the noble Marquess upon the character of the illustrious individual to whom he had alluded, every feeling of duty, and every private sentiment, respecting that individual called upon him to declare his entire concurrence in what had fallen from the noble Marquess. He concurred most sincerely in every word he had said. The immediate cause of his recal was his appointment to a situation of considerable trust and distinction. But, whatever the cause, he assured the noble Marquess, that no one could feel more regret at the circumstance than he did. In the course of his transactions in business with that illustrious individual, he had had opportunities of knowing how much advantage attended his presence here. Sure he was, that his continuance would have promoted the satisfactory settlement of those questions of, he might say, tremendous importance, which yet remain to be arranged.

SIR JOHN CAMPBELL.] The Marquess of *Londonderry* took the opportunity, on presenting several Petitions to the House, of calling attention to the papers which had been laid upon the Table of the House with reference to the case of Sir John Campbell. It appeared, that since he had lately drawn attention to the case of that gallant Officer, his Majesty's Government, having let the matter sleep for nearly four months, had suddenly interested themselves respecting him. A communication had been made on the part of his Majesty's Government to the government of Don Pedro in Portugal on behalf of that Officer. Under these circumstances he had no wish to proceed further upon the papers for which he had moved. His sole object was, to obtain some interference on his behalf on the part of his Majesty's Government, and in that he had succeeded. He trusted, that the answer to the communication made would be imparted to that House, and that it would come before the Session was over. Before he quitted the subject, he could not help remarking upon the absence of Sir George Shee's Letter from the papers laid on the Table by the Government. That Letter was, he believed, most favourable to Sir John Campbell, and its absence appeared to him to indicate a spirit on the part of his Majesty's Government against Sir John Campbell by no means satisfactory. Having achieved two important points, he should not press the matter further for the present. The first of these points was the production of the papers on the Table, amongst which was the Letter of the gallant Officer himself, stating his case in a clear and convincing manner. The second was, that he had the satisfaction of seeing his Majesty's Government, after three months' silence, making a renewed application in his favour.

Earl *Grey* expressed his surprise at the remarks made by the noble Earl. When, originally, the noble Earl communicated to him, that he wished the production of the Letter of Sir George Shee, he replied, that he believed it was a confidential Letter, which could not be produced. He, however, requested the noble Earl to furnish him with a memorandum of the Letter, that he might look for it. From that hour to the present he had heard nothing more on the subject from the noble Earl; and he had therefore reason to express his surprise at the very extraordinary course taken by the noble Earl. He could only say, that if he had any accusation to make against his Majesty's Government upon this or any other subject, he should be fully prepared to meet it whenever the noble Earl chose to bring it forward. But he called upon the noble Earl not to deal in dark hints and suggestions, and to bring forward in an intangible shape, matters of complaint against the Government. Considering the course usually taken by the noble Earl in his opposition to his Majesty's Government, perhaps he ought not to be surprised that he had now reason to complain of the noble Earl. But he did think that, even in the noble Earl, his remarks upon the absence of Sir George Shee's Letter were most surprising and unfair. Upon the question of Sir John Campbell's wrongs, as advocated by the noble Earl, he could only say, after the fullest consideration, that Sir John Campbell had no claim whatever upon the Government as a British subject. It had been stated, on a former occasion, that Sir John Campbell was confined in prison with unusual severity. He (Earl Grey) had made inquiries, and found that that Officer was confined in a large room, which, during the dominion of Don Miguel, contained eighteen prisoners of the highest rank, and that he was at liberty to receive the visits of whomsoever he pleased. As there had been many misrepresentations in circulation upon this subject he thought it right to make this statement in order to set them at rest.

The Marquess of *Londonderry*, with great deference to the noble Earl, begged leave to state, that when he told him the Letter of Sir George Shee was a private Letter, he declared that he would not press for its production. The noble Earl called upon him to bring the conduct of his Majesty's Government before the House with reference to this subject. This he had already done, and in consequence of his having done so, the papers to which he had adverted had been laid upon the Table of the House, and, as he had already observed, an effort on behalf of Sir John Campbell had been made by his Majesty's Government. From the information he had received, he was sure that ever since Sir John Campbell had been removed from St. George to Belem he had been in a most inconvenient apartment, and had not been treated either as an Officer or a gentleman. So strong was his feeling upon this point, that he assured the noble Earl, that nothing but the belief that the next Letter from Portugal would bring news of the release of Sir John Campbell prevented him from proceeding with his Motion.

Earl *Grey* said, the noble Earl might bring forward any Motion he pleased. He begged, however, to assure him, with the most perfect sincerity, that what had passed in that House had not had the slightest effect in influencing the conduct of his Majesty's Government with reference to Sir John Campbell.

The Conversation was then dropped.

CORN LAWS.] Lord Suffield presented a Petition from Erpingham, complaining of agricultural distress, and praying for the total Repeal of the Malt-tax.

Earl *Fitzwilliam* expressed his entire concurrence in the prayer of the Petition. The greatest benefit would accrue to agriculture by the removal of that duty. He would also take the liberty of calling the attention of the House to the complaints of other parties as to other laws. He had a Petition to present from nearly 18,000 inhabitants of Edinburgh, praying for the repeal of the Corn-laws. He felt the great honour done to him in selecting him for the presentation of such a petition from such a body. The petitioners declared, that restrictions on the trade in corn were an obstruction of the welfare of the entire human family, unjust in principle, oppressive in tendency, and most injurious in operation. This petition was well worthy the attention of the House, as containing those maxims and principles of true commerce, by following out which they would alone be able to arrive at a state of permanent commercial and national prosperity. He should ill consult his duty to their Lordships, if he trespassed long upon their attention on the present occasion; but it was impossible for him not to avail himself of the opportunity of suggesting to their Lordships the question, whether the Corn-laws did really confer that benefit upon the agricultural classes, which many of their Lordships were inclined to ascribe to them. They had now been tried for a great number of years, and there was no man at all acquainted with the agricultural classes, who would be bold enough to say, that during that period, they had been in a prosperous state. He was quite convinced that they had not been in a prosperous state. If so, might their Lordships not look for the cause of the adversity of the farmers in the very laws which had been intended to promote their prosperity? He did not speak his own individual opinions merely, for if their Lordships would look back at the evidence taken last year before the Committee of the other House of Parliament, appointed to inquire into the state of agriculture, they would find pregnant proof of the general admission of the proposition he was advancing. There was not one of the surveyors examined before that Committee, who did not say, that the effect of the Corn-law was, to induce, in the first place, the landlord to ask, and, in the next place, the tenant to offer, rents not justified by the prices afterwards realized. The witnesses who gave this evidence were most unexceptionable, belonging to a class prejudiced in favour of what was called the protective system. They said, without exception, that, under the law of 1815, the price of 80*s.* per quarter was assumed as the basis of all calculations between landlord and tenant. Their Lordships knew, that six years did not elapse when, so far from 80*s.* being the average price of wheat, it was, on one occasion, quoted at 39*s.* for the average price in the *London Gazette*. These same witnesses said, that, under the law of 1828, 64*s.* was assumed as the basis of contracts; but, that in a few years, they found it an erroneous basis, and had been obliged to lower it to 55*s.* or 56*s.*, the price of corn at the time they spoke,—in 1833. But what was the price of corn at present? It had pleased Providence to shower upon the country the blessings of abundance in a degree scarcely ever before enjoyed,—except, perhaps, those seasons which occurred about the middle of the last century, when the mildness of the climate was such, that the productions of the earth were more exuberant than they had ever been before or since. With that exception, we had never had more abundant harvests than during the last two or three years. What had been the consequence?—that wheat, which the law wished to fix at 64*s.* a quarter, was, by the bounty of Providence, at 47*s.* a-quarter. What was the consequence? Why, the bounty of Providence had been converted into a curse, and had turned to the ruin of the farmer. But why had it turned to the ruin of the farmer? Because—and he repeated the expression, although before rebuked for using it—because he had been deluded by the Legislature, and those who had deluded him were themselves deluded. They believed the expectations they held out to be well-founded,—they believed that through the medium of a roll of parchment, they could make the price of corn 64*s.*,—that they thereby ensured the prosperity of the farmer, and through the farmer, the prosperity of the landlord. The consequence of this delusion had been the distress, and almost the ruin, of the agricultural class. A large majority of that House thought, he was aware, differently from him on the subject, and time would afford the only test to prove which opinion was right. But though he was one of a very small minority in that House, the opinion he entertained was held by men of the most profound thought—by men who had deeply studied the subject, and whose writings were amongst the most able of those which the past or present age had produced on the commercial polity of nations. He had said the last age, but the principle of free commerce was hardly known in the middle of the last century, and was certainly not acknowledged by any nation of Europe. He was sorry to say, that it was not even yet acknowledged to the extent it ought to be: but it was truly said by the petitioners, that it had been acknowledged by the Government of this country, that commerce ought to be free, and it had swept away the whole code of prohibitions, substituting in its room a sort of policy which it was, perhaps, necessary to adopt in the first attack upon an old inveterate system. The plan had been, not to attack the old system bodily, but by degrees to undermine, and thus eventually destroy it. Upon this principle, the men who began the attack on the old mercantile system, instead of entirely putting an end to the restrictions on commerce, thought it more prudent to substitute rated duties for the prohibitions which previously existed. They adopted the principle of protecting the manufactures of the country by a duty of 30 per cent. Corn formed an exception to that rule, for the duty on corn might be estimated at 60 or 70 per cent. If he was to take the duty at the present moment, it was above 100 per cent; for it was 38*s.* per quarter, which was undoubtedly higher than the price of corn at any of the ports of the Continent. He conceived, however, that the amount of duty,—which might be fairly considered as what the Legislature was desirous should be paid,—was the duty realized at the time when the price was that which it might be inferred, from the construction of the Act of Parliament, the Legislature thought corn should fetch. That price was 63*s.* per quarter, and the duty levied was 23*s.* per quarter, making about 60 or 70 per cent on the price of corn abroad. Corn, therefore, formed a remarkable exception to the principle adopted fourteen or fifteen years ago with regard to manufactures. But it was perfectly well known that, in many instances, the duty of 30 per cent on manufactures did not operate. No article which was habitually exported from this country had its price raised by the duty of 30 per cent imposed upon the same article when imported from abroad. In respect, therefore, of a great number of our manufactures, that duty did not operate by making the people pay a higher price for them than they otherwise would. But that was not the case with regard to corn. At present, through the unexampled bounty of Providence, the price of corn was low; but when anything like a dearth occurred, the Corn-laws came into operation; they never came into operation, except when there was to a certain degree, a narrow supply of corn in this country. The Corn-laws then operated not for the benefit of the farmer, but to the injury of the people, by raising the price above what it would be under a free trade. He was convinced of nothing more certainly than this, that the prosperity of the country never could be placed on a secure basis, and, above all, the prosperity of the farmer never could be on a secure basis, until those laws which were intended to be, but which were not, beneficial to him, were done away. Whether they were beneficial to the landowners themselves was a very doubtful point. It was just possible, that they might enable the existing generation of landlords to put a little more rent into their pockets than they otherwise would; but if they looked to their sons, and to their grandsons, he was perfectly assured it would be found that, even to the landed interest, the Corn-laws were injurious; and he was certain, that there was not one of their Lordships who would prefer a temporary increase of present profit to the permanent prosperity of those who were to succeed them. He might be expected to state whether it was his intention to call upon the House for an expression of opinion upon this subject in the course of the present Session of Parliament. When he looked to what had passed with regard to it in another place, and compared the division this Session, with that which took place in the last, he could not help feeling that this question was in progress. When he saw, that 150 Gentlemen of the House of Commons voted for a change of system, he could not help feeling, under all the circumstances of the case, that the question had even made a rapid progress. He did not believe, that he should accelerate its advance by calling upon their Lordships for a vote upon it, and he should therefore content himself with begging to lay the petition upon the Table.

The Earl of *Malmesbury* objected to the system of desultory warfare pursued by the noble Earl; for, when statements were made upon the presentation of petitions, they went forth without that efficient contradiction which might otherwise be given them. That his noble friend was sincere in his opinions he had not a doubt; but of their correctness he had very great doubt. His noble friend, in all his arguments, regarded neither his time, circumstances, nor seasons. His noble friend stated, that the Corn-laws had been detrimental to the landed interest. [Earl *Fitzwilliam.*—To the farmer.] In former days, when 900*l.* was the gross produce of a farm, one-third of it went to the landlord to pay the interest of his purchase-money at the rate of three per cent only; one-third to the farmer for the use of his capital and skill; and the other third to the discharge of different expenses; the chief of which was the employment of the labourer. Now, if that gross produce was to be diminished, he could not see how the diminution would not be felt by the whole of the three classes. It was true, that a wealthy landlord might not feel the loss so much as the farmer and the labourer, and that showed the delusion of calling this a landlord's tax. If the price of corn was brought down so low that land should yield little or no rent, the landlord would be obliged to occupy it himself, and make what slender profit he could of it, whilst the tenants would be ruined and destroyed. The owners of large estates like those of his noble friend would manage them by Bailiffs and middle-men; but the yeomen, the most valuable class in the community, would be destroyed. The greatest sufferers, in his opinion, had been the small landed proprietors, whose thirty or forty acres had become unable to maintain them, and whose condition was often worse than that of the common labourers. To call this tax, then, a landlord's tax, whilst to the great landowners the question was only one of convenience, but to the thousands and tens of thousands of the small landowners, one of existence, was a pure delusion. As to the distress which had existed, and the connexion the Corn-laws had with it, he considered, that the Corn-laws just made the difference of being distressed and being ruined; and he was surprised at this petition coming from Edinburgh, for it would in reality be in the situation of modern Athens, destitute and in ruins, had not agricultural improvement in Scotland been successfully pursued. But the petition, he believed, prayed for a free trade generally, as well as for a free-trade in corn. He was then to have taken off the half-guinea tax imposed upon the hat in his hand. The House would hardly believe it, but it was a curious fact, that the duty on the importation of hats operated as a complete prohibition, for none were imported. Again, the duty on printed calico was *3d.* per yard, and this was so prohibitory, that not above 3,000*l.* per annum was paid on imported calico. The duty levied on foreign woollens, including carpeting, was even less, proving, that the protective duty on manufactures was, as regarded the consumer, more prohibitive than that upon corn. If the shoemakers or tailors combined to raise the price of their manufacture, the duty remained the same; whereas, if corn rose to 72*s.* the quarter, it came in free of duty. This was a point which he threw out for the consideration of his noble friend. The depreciation in the value of landed property might be traced to other causes than the existence of the Corn-laws. Suppose that there was a continual outcry for a free introduction of French silk, would it not check the enterprise of our silk manufacturers, and keep down the market, than which nothing was more sensitive? So this black cloud which was hanging over the heads of the agriculturists, and the continual harping upon this subject, affected the agricultural interest. What the noble Lord had said to-night would affect the market, and, till the interest could look forward to some degree of rest and safety, the market would not be as steady as it ought to be.

Petition laid on the Table.

WARWICK BOROUGH.] The Earl of *Durham,* in pursuance of the notice which he had given, rose to propose, that their Lordships should adopt some peremptory means of enforcing the attendance of certain persons whose evidence was material to the inquiry under the Warwick Borough Bill now pending before that House. He knew of no precedent to warrant the course he meant to pursue, but the case of Sir William Manners, which appeared in the Journals of the other House of Parliament. In that, case which occurred in 1820, a Resolution was agreed to, stating that the witness had absconded, and then followed the Motion for an Address to the Crown to issue a Proclamation offering a reward for his apprehension, and this precedent he meant to follow on the present occasion. The noble Earl accordingly moved a resolution to the effect, "That it appeared to their Lordships, that Richard Lapworth, William Oram, and Samuel Dingley, had absconded, in order to evade giving evidence on this inquiry."

Lord *Wynford* did not rise to oppose the Motion of the noble Earl; on the contrary, he was as desirous as any one that the ends of justice should not be frustrated. He wished that every one who could throw a light upon the question should be examined, but he must at the same time suggest to the noble Earl, that the precedent he had chosen was anything but a judicious one.

The *Lord Chancellor* entirely agreed with his noble and learned friend, that the precedent was not a good one. Their Lordships were not bound by that precedent; and although he felt the utmost deference for the House of Commons, he still thought their Lordships would be acting wrong if they allowed themselves to be governed by any such precedent as that referred to by his noble friend. He must say, that he could not approve of the course which his noble friend had taken. He had no objection that they should agree to an Address to his Majesty with a view to a reward being offered for the discovery and apprehension of the persons whom his noble friend desired to produce as witnesses; but he certainly had an objection to this prefatory—this, he would say, condemnatory—Resolution, which might turn out to be unfounded, for, *non constat,* those persons might be able to satisfy that House, that they had not absconded for the purpose of avoiding their Lordships' summons to give evidence on this inquiry. Instead, therefore, of following this precedent he thought it would be much better to so far deviate from it as to pass over the condemnatory resolution altogether; and what he proposed was, that they should examine Mr. Butt, their Lordships' messenger, as to whether the parties alluded to were in attendance, and, if not, then the motion for an Address to the Crown for offering a reward for their apprehension might be proposed; but in no case should such a step be taken until the parties had been called in the usual way by an officer of that House.

Lord *Wynford* agreed, that they ought to be called in the first instance, and, if they did not answer, then the Address proposed by the noble Earl might be agreed to.

The Earl of *Durham* was quite ready to pursue the course which his noble and learned friend (the Lord Chancellor) had suggested. The noble Lord then moved, that their Lordships' messenger, Mr. Butt, be called to the Bar.

Mr. Butt having presented himself at the Bar,

The *Lord Chancellor* asked him if he had been to the residence of Richard Lapworth and the other parties, for the purpose of summoning them to attend to give evidence in that House?

Mr. Butt replied that he had. He had left the summonses at their respective houses, but he had not seen either of the parties themselves.

The *Lord Chancellor* asked whether he knew if Richard Lapworth was in attendance?

Mr. Butt replied in the negative.

The *Lord Chancellor* directed him to call Mr. Lapworth in the usual way.

Mr. Butt returned for the purpose, and on his return said, that he had executed their Lordships' order, but that Mr. Lapworth had not answered.

The Earl of Durham then moved—"That an humble Address be presented to his Majesty, praying that he would be graciously pleased to order a Proclamation to be issued offering such reward as he should think fit for the discovery, apprehension, and detention of Richard Lapworth, in order that he might be produced to give evidence on this inquiry in that House."

Motion agreed to.

Mr. Butt was then directed to call the same manner William Oram and Samuel Dingley. He did so, and having stated that they did not answer,

The Earl of Durham moved a similar Address with respect to each of them, which was also agreed to.

HOUSE OF COMMONS,

Tuesday, May 27, 1834.

MINUTES.] Bills. Read a second time:—Registry of Births.—Read a third time:—Sale of Fish.

Petitions presented. By Mr. GILLON, from Stewartstown, against Employing Children in the Sweeping of Chimneys.—By Mr. R. GORDON, from the Handloom Linen Weavers of Dysart, for Relief; from Stanley (Perth), for Amending the Reform of Parliament Act.—By Lord ARTHUR LENNOX, GRANVILLE SOMERSET, and MANDEVILLE, the Earl of LINCOLN, and Messrs. GRANVILLE VERNON, BLACKSTONE, GOULBURN, RICE TREVOR, and FOLEY, from a Number of Places,—against the Admission of Dissenters to the Universities.—By the Earl of LINCOLN, from a Number of Places, for Protection to the Established Church.—By Lord CHARLES RUSSELL, Sir GEORGE STAUNTON, Admiral FLEMING, Messrs. BROCKLEHURST, DUNDAS, PRINGLE, LISTER, BOWES, ROOPER, GASKELL, BUCKINGHAM, FENTON, HUME, WYNN, GILLON, EWIN, and WILKS, Earl JERMYN, the Marquess of CHANDOS, Sir ANDREW AGNEW, and Sir JOHN TYRRELL, from a great Number of Places,—against Drunkenness.—By Sir ANDREW AGNEW, from St. Andrew's, for the Suppression of Dueling.—By Mr. HUME, from four Places, against the Corn Laws; and by the Earl of LINCOLN, from several Places, against any Alteration in them.—By the Marquess of CHANDOS, Sir GEORGE STRICKLAND, and Mr. CHARLES BULLER, from several Places,—for Amending the Sale of Beer Act.—By Sir GREY SKIPWITH and Mr. DUNDAS, from several Places,—for Relief to the Agricultural Interest.—By Sir C. LEMON, Messrs. G. W. WOOD, FIELDEN, FENTON, BROTHERTON, BLAMIRE, and BROCKLEHURST,—for Relief to the Dissenters.—By Mr. DUNDAS, from a Friendly Society, for Amending the Act relative to them.—By Mr. R. WALLACE, from Greenock and Annan, for a Reform in the Courts of Law (Scotland); from several Places for Remitting the Sentence passed on the Dorchester Labourers.—By Sir G. STRICKLAND, Mr. THOMPSON, and Mr. ROOPER, from several Places, for Mitigating the Severity of the Criminal Code.—By Mr. G. W. WOOD and Mr. WALLACE, from two Places,—against the Stamp Duty on Receipts.—By Lord FITZROY, Mr. T. BULLER, and Mr. STRUTT, from several Congregations,—against Church Rates.—By Mr. PRINGLE, from the Parochial Schoolmasters of Selkirk, for an Increased Stipend.—By Mr. FITZGERALD, from Richardstown, for the Abolition of Tithes.—By Mr. GOULBURN, from a Number of Places, against the Claims of the Dissenters.—By Mr. GREENE, from Penrith, against the General Register Bill.—By Mr. ORD, from the Isle of Wight, for Admitting Dissenters to the Universities.

DRUNKENNESS.] Mr. *Buckingham* having presented several petitions against drunkenness said: I have heard numerous objections raised to the prayer of such petitions as these, but I confess none have surprised me so much as that of the hon. member for Oldham, who said, that drunkenness had existed in all time—that people always had got drunk—and that they got drunk still; but he did not add (which was necessary to complete the sentence) that they would continue to get drunk in future. Sir, if the antiquity of a vice is a justification of its continuance, and a reason why no steps should be taken to put a stop to it, murder is a very ancient offence—it goes back to the time of Cain, and I believe Noah had a taste for it; and does the hon. Member mean that murder and other horrible offences, because they began at a remote period, are not to be prevented? It is not for an inquiry whether people get drunk, that the petitioners ask, for they are satisfied that drunkenness does exist to a great extent,—that it causes a vast mass of disease,—that it fills our gaols with criminals,—and is one great cause of the increase and extent of pauperism. It does appear to me, that when hon. Members think it right to attempt to correct the evils arising from beer-shops, it is monstrous to suppose, that they will not think the far greater evil of gin-shops worthy their attention, for if there be any difference in the deleterious effects of the two liquors in producing intoxication, there is no doubt that the use of spirits is much more pernicious. I hear it said by hon. Members—"What can be done by a Committee? It is in vain to expect that they can put a stop to the vice." Sir, almost every measure of improvement which has proceeded from this House, has been preceded by inquiry, and has been found to work more beneficially in consequence of that inquiry. I therefore think it is not unreasonable to suppose, that some good may be effected in this instance by the appointment of a Committee.

Mr. *Cobbett* hoped it would not be supposed, that he intended to say anything in favour of drunkenness. In all manner of ways, by precept as well as by example (and perhaps that was not the least effectual course), he had all his life been the advocate of sobriety; but what he objected to was people coming to ask the House to pass laws to correct evils which no laws could correct. There must be something left to the pulpit,—there must be something left to the parents,—there must be something left to the moral teacher. They were not to make laws to correct every evil which arose in families or in society. By-and-by persons would ask for a law to make people pull their hats off on proper occasions, or some such ridiculous thing. The hon. Member forgot there was a law already to punish drunkenness, and a law quite severe enough. A Magistrate could, at any time, punish a man for being drunk in his presence; or, if he was informed of a man being drunk, he could punish him without trial by Jury or any further ceremony. Why was not that law applied? Until it were found ineffectual, why pass new laws? It never was applied because Magistrates had too much sense—they knew the law would not prevent the offence. It was a great evil,—a great moral offence. He trusted he was a moderate and a temperate man, who had never been intoxicated since he was born. No man could say, he had been intoxicated—no man could say he ever drank anything stronger than milk. He was therefore, no advocate for drunkenness—he was a great advocate for sobriety. He was certain that 10,000 parents, from different parts of England, had thanked him for having made their sons sober men from being drunkards, by his writings. Therefore, he begged to be understood by hon. Members, as not being a pattern of drunkenness. What he objected to was, calling upon the House to pass laws which would only be laughed at, and would only expose this House to contempt, lower its character, and impair its efficiency.

Sir *George Strickland* thought the observations which fell from the hon. member for Oldham were valuable, because they shewed that he, who had always been a warm friend of the interests of the poor was ready to take every justifiable means to check the progress of this destructive vice amongst them. But the hon. member for Sheffield said—"Gentlemen object to this Motion on the ground that going into a Committee will do no good; but without, a previous inquiry, we shall be legislating in the dark." He differed from the hon. member for Oldham, in thinking the Committee might do good, by pointing out whether some regulation as to the sale of spirits and of beer might not be made, so as to prevent encouragement to the vice of drunkenness. He would merely mention one part. He had heard it said, that it afforded great encouragement to the use of spirits, to allow the same person to sell both spirits and beer; it would be a fit subject for inquiry before a Committee, whether the same person should be allowed to sell beer and spirits.

Mr. *Brotherton* concurred with the hon. member for Oldham in thinking, that much good could not be done on the subject by legislation; still it would be useful to go into a Committee to inquire into the causes of drunkenness, which he was convinced had very much increased; and it would not be very difficult to satisfy the House, that drunkenness was the cause of much of the poverty, and crime, and misery of the people of England. He believed, that if the poor could be convinced that their own conduct was the cause of their misery, it would do much to relieve them from that slavery which they at present endured. For his own part, he thought drunkenness was the cause of the fall of man originally; and it was the fall of man still, for it degraded him to the level of the beasts of the field. He could say with the hon. member for Oldham, that both by example and precept he was an advocate for temperance; and it might be useful to the people of England to know that there were Members of that House who did not think it necessary to drink intoxicating liquors. For the last twenty-four or twenty-five years, he had been a water drinker, and he had enjoyed ten thousand times more happiness since he became a water-drinker than before; and he therefore could recommend his system to the poor. He was convinced, that by going into a Committee they should ascertain the causes of this vice, which might be a very great benefit.

Petition laid on the Table.

PROTESTANT DISSENTERS.] Mr. *Granville Vernon* presented a petition of graduates of the two Universities, in the county of Nottingham, in support of the Established Church, and against the admission of Dissenters to the Universities, and said—he begged to state, that, after much and anxious consideration, he felt it his duty to concur in the prayer of these petitions. He did so reluctantly, because, in the first place, he had hitherto, on every occasion, in the House and out of the House, as far as lay in his power, advocated the cause of the Dissenters. He did so as long as he thought their claims reasonable in themselves, and not injurious either to the interests of the Church of England (of which he was a conscientious Member), or to the vital interests of Christianity. He did so also, because he could bear his willing testimony to the valuable exertions of the Dissenters in this country to promote the cause of morality and religion. There were many districts, he was sorry to say, in this country, in which the efforts of the Church itself would have been wholly inadequate to stem the tide of infidelity, from the absence of either moral or religious instruction, unless they had been aided by the exertions of the Dissenters. He felt, therefore, great reluctance in arriving at the conclusion, that this claim of the Dissenters was not founded in justice. His general sentiment upon this subject was, that the more comprehension could be imparted to the institutions of the Church, the more people would be brought within the pale of her essential doctrines. There was not, in truth, any very great difference —no wide line of demarcation between the Church, and many of the most—I may say the most—respectable class of Dissenters. They were rather divided on minute questions of feeling and matters, of taste, than upon any essential doctrines of religion. He had therefore, felt it his duty, whenever he had been directly or indirectly concerned in any of those institutions which promoted education and religion, as far as possible, to impart a comprehensive character to them, so much so, that he was afraid he might be considered by some a latitudinarian. For instance, in the national schools, he had always advocated the principle of not compelling the children of Dissenters to go to the Church of England; but, on the contrary, that all should be educated under the same roof, and imbibe the common principles of morality and religion; and that it should be left to the parents of the several classes to say to what place of religious worship they should go. But the Universities must certainly be considered the sanctuaries of the Church of England, for the education of those members of it who were ultimately to instruct in its doctrines those whom the national Church committed to their charge. He did not think the Dissenters had any claim to enter into these sanctuaries; but at the same time he was of opinion that many of the benefits of University education might be conceded without trenching upon any one of the institutions of the Church. He was desirous of seeing those regulations introduced into Oxford, which had been introduced at Cambridge, for allowing all who might be willing to matriculate. When, however, they came to graduate, they were of an age to judge of questions of religious difference: and if they could not conscientiously subscribe to the doctrines for the support of which the Universities were founded, and maintained — not by national funds but by funds destined to the support of a State education, then it was time they should separate themselves from it; but, till then, all the means of liberal education which a University could afford, they should have access to. In stating these sentiments, however, he begged to say that the members of the Church of England were not peculiar in their views, or—as the Dissenters would call it—their intolerance. Very recently, within the last year, a numerous class of Dissenters (the Unitarians) had been deprived, at the instance of other Dissenters, of the benefits of a very liberal institution founded at a remote period by a person (Lady Hewley) whose opinions had been very much canvassed in the Court of Chancery, where they were assumed to be adverse to Unitarianism. It was possible they might be so, and the Vice Chancellor had decided that they were so, but he knew that a contrary opinion was entertained by one of the ablest men of that persuasion (Mr. Tottie, of Leeds). This Gentleman published a letter on that occasion, in which he stated he was firmly convinced the existence of an Established Church was absolutely necessary to prevent the Dissenters from tearing each other piecemeal. He said he was perfectly sure that a general spirit of persecution would arise among the Dissenters themselves, if it were not for the existence of a tolerant Church, which would not intrude itself into their religious concerns with that spirit which he was, from lamentable experience, induced to expect from the Dissenters themselves. He forgot by what class the Unitarians were excluded from that charity; but the head of the institution was a most worthy and excellent man, (well beloved), well known in Yorkshire and its vicinity, for his promotion of every valuable undertaking, and his intellectual acquirements, as well as his truly Christian spirit. He mentioned this to show, that the Dissenters would not allow that any institution which they could claim to have been founded upon any specific principle, should be perverted, or applied to latitudinarian objects. He therefore was of opinion, that in the Universities, as they were at present established, there was no claim for the Dissenters to be admitted to take degrees. There was no reason why they should not have their own colleges and seminaries for education; but it was quite clear, from the mode in which they had pursued the various objects which had been insisted upon by the Dissenters' petitions this Session, that if permission were given to them to graduate, their next claim would be, that they ought to be equally admissible to the various beneficial situations which that graduation conferred upon the members of the Church of England. On these grounds, he could not support their views.

Mr. *Mark Philips* begged to say, that among the Dissenters in the town which he had the honour to represent, there was no such feeling as Mr. Tottie ascribed to them; and he did not believe, that religious persecution would result from removing the disabilities under which the Dissenters laboured. He saw no narrow policy among them, no selfish feeling which prevented one party from assisting the other, but they had joined hand and heart in getting rid of their disabilities. He regretted exceedingly the observations which had just been made by the hon. Member, because he had great reason to hope from what he knew of the hon. Member, that his vote would have been given in favour of the Bill which was particularly referred to. It was his conviction, that the great body of Dissenters in the kingdom were acting with perfect unanimity. They were aware of the important objects they had in view, and they would evince the worst possible feeling, if they allowed any differences of opinion to separate them.

Mr. *Hume* protested against the sentiments contained in this petition. The hon. Member did not state, that he considered the Universities had been endowed with property which originally belonged to the Church alone. He considered the Universities national institutions from which all persons had a right to derive benefit. He thought the Dissenters entitled to participate in all the advantages which these public institutions could give, and he hoped they would not be satisfied until they succeeded in obtaining that participation. He must express his regret, knowing the liberal course of policy which the hon. Member had taken, that the hon. Member should believe, that the admission of the Dissenters to the Universities would be injurious to the Established Church. In answer to that which appeared to have had considerable influence in bringing the hon. Member to that conclusion—namely, the opinion of Mr. Tottie, who said, that but for the Established Church the other sects would tear each other to pieces—he must say that was only the opinion of one, member of one sect. Now, rather than rely upon the opinion of one individual, he would ask the hon. Member why that evil did not exist in the United States? There was not half so much acrimony in the United States as in one parish in England, and so far from the present Establishment promoting harmony, he thought that it was the cause of perpetual quarrels and discord.

CHURCH OF IRELAND.] Mr. *Ward:* * I am perfectly aware that a man, who voluntarily undertakes to bring forward a great question in this House, has no right to expect that he can propitiate its indulgence by any professions of humility, or by any expression of a wish, however sincere, that the task had fallen into fitter, and abler hands. I must, however, at all events, entreat the House to believe me, when I state, that I have not taken up the momentous subject, on which the discussion of this night must turn, lightly, or hastily, or inconsiderately, nor without the deepest conviction of the importance of the principles which it involves. It is upon this ground alone that I venture to claim the attention of the House; for I will not do hon. Members the injustice of supposing that any deficiencies on my part will induce them to withhold from this question that deliberate consideration which its importance demands. I fear, however, that it will be necessary for me to trespass at some length upon their indulgence; for I can only justify myself to my own conscience, and to the House, in bringing forward so great an innovation, as that which I have felt it my duty to recommend, by showing, not only that there are ample grounds for a departure from ancient practice, but that there are not less ample grounds for believing that the change will be productive of a great practical good. I must first prove the necessity, and then the justice of what I propose; for it is upon this basis alone that all changes in the policy of a great community should rest, and more especially those changes, in which its religious institutions are concerned. I intirely concur in the sentiments once expressed on this subject by the right hon. Gentleman, the Secretary for the Colonies, who said, two years ago—'That the question of the maintenance of 'that connexion, which, in all Christian 'countries, the Legislature had thought fit 'to establish between itself and the religion 'of the State, ought not to be raised with'out the most deliberate consideration; 'and that, on the part of the Government 'especially, it required the plea of the most 'imperative necessity, to justify any inter'ference with existing relations.' Sir, I adopt every word, and every sentiment, here uttered; but the question which I have to put to the House is, whether, upon the most deliberate consideration, it does not conceive, so far as Ireland is concerned, that the case of imperative necessity has already arisen?—whether we can reject the evidence of that necessity, which has accumulated upon us?—and whether, if we admit that evidence, (however unwilling we may be to receive it), we can refuse to apply the remedy, which I believe the Constitution to have placed within our reach? Sir, this is the case which I have to establish; and if I fail in establishing it, the House will only discharge its duty by rejecting my present Motion. Before I enter, however, upon the details in which that Motion must necessarily involve me, I wish to state distinctly the course, which it is my intention to pursue, and the reasons which have induced me to change—or modify, at least—the shape, in which my Resolutions originally appeared. I hope the House will do me the justice to believe that I have not sought, by thus altering the terms of my Motion, to obtain any unfair advantage. I gave the earliest intimation of my intentions to the noble Lord opposite; but having been informed, by the highest authority to which the point could be referred, that it was quite impossible to take the sense of the House on a proposition embracing such a variety of details as my original Resolutions, I was compelled to separate the question of the principle, from that of the details. I confess that I had an additional inducement to do this, from my knowledge that, upon the details, many hon. Gentlemen differed from me, whose support, upon the principle, if it were brought forward alone, I might fairly hope to obtain. Besides, I was aware that, from the want of local knowledge, as well as of accurate sources of statistical information, there might be in the details a degree of obscurity and vagueness, which I should not have to encounter in the discussion of the principle. I, therefore, felt it my duty towards those who concurred with me with respect to the principle, to call upon them for their votes on the principle only, to-night, and to reserve the details for the future consideration of the House, if it should think fit to sanction the principle. I must also state, with regard to these details, that, although I have felt it right not to bring forward the question in the shape of a mere abstract principle, without showing in what manner I conceived that this principle might be worked out without the slightest violation of justice, or trenching, in any way, upon individual rights, I am so far from being wedded to the details of my plan, of the unavoidable deficiencies in which I am fully sensible, that if any fairer, or, above all, any more effectual, mode of carrying the principle into operation can be suggested, I shall be the first to adopt it. I now come to the question of necessity, which is the basis of my whole argument—the necessity, the imperative necessity, of making a great, and extensive change in the Protestant Church of Ireland, as now established by law, if we are sincere in our desire to tranquillize that country—to heal old wounds—to repair past injustice, and to identify the interests of Ireland with those of the empire at large. In entering upon this part of my subject, I assure the House that nothing is further from my wish than to inflict upon it proofs of my industry, in the shape of long quotations; but the House must feel, that it is most essential for me to show, that some of the wisest, and greatest, of those statesmen, whose names adorn our annals, have always sought the cause of those disturbances, which have so long afflicted Ireland, rather in her religious, than in her political, wrongs. Indeed, the question of religion is so blended, and interwoven, with the whole course of our Irish policy, that it is impossible to draw a line of demarcation between them. Religion has perpetuated those distinctions between the conquered and the conquerors, which time must otherwise have effaced; religion has served as the plea for every successive confiscation: religion, in short, is the cause, to use the words of Sir James Mackintosh, in the last work, which he has bequeathed to his country—'why, 'the State, the Church, the administration, 'and the property of that unhappy Island, 'are bound together by such unnatural 'ties, and placed upon such weak foundations, that every rumour of alteration in 'one of them spreads alarm for the safety 'of the whole.' Sir, this opinion is not peculiar to Sir James Mackintosh; it has been shared by nine out of ten of those, who have either taken part in the administration of Irish affairs, or have paid to them here, the attention which they deserve. Their feelings may have been modified, as the more odious parts of our system of religious intolerance have disappeared; but the evidence, which bore originally upon the question of Catholic Emancipation, and upon the still more important question of the abolition of the Penal-laws, bears now just as forcibly upon the last remains of this system, the compulsory support by the Catholics of an Establishment to which they do not belong. The system is one system—the parts are parts of a whole—and those feelings of just indignation, which that whole formerly excited in the bosom of every Catholic, whom it consigned to an existence of degradation, of oppression, and of wrong, are now concentrated against that portion of it which remains, as if to perpetuate the memory of past injustice. Mr. Canning, so early as the year 1812, reprobated the system of bit-by-bit justice, which seems ever to have been the course which England has delighted to pursue towards Ireland. He asked one of his opponents, who refused to grant Catholic Emancipation, yet boasted of the abolition of the Penal-laws,—'Whether he thought 'that those wise, and salutary regulations, 'though abolished, ought not to be forgotten? Whether, although we had partially—perhaps improvidently—removed 'the chain from the limbs of the Catholic, 'we ought to leave a link or two behind, 'to remind him that he was once in fetters?' The Protestant Church appears to me to be this link, or rather the law, by which a compulsory provision for this Church is wrung, in the shape of tithes, from the scanty pittance of the Catholic peasant. This feeling is not of modern growth, or the result, as some have thought, of modern agitation. It dates from the very moment when the design of extirminating the Catholics, by process of law was abandoned; and when the relaxation of the Penal Statutes gave to them, as a body, what I may call a legal existence. Lord Charlemont tells us, in one of his earliest memoranda, that the rise of the disorders in the south of Ireland was to be ascribed intirely to tithes;—"Tithes which the Catholic, without any possible benefit, unwillingly paid in addition to his priest-money." Mr. Grattan, at a little later date, placed upon record his opinion on the subject of tithes, in a speech, which will ever be regarded as one of the most splendid monuments of human eloquence. Mr. Pitt, on this subject alone—that of doing justice to the Catholics—coincided in opinion with his great rival Mr. Fox. Indeed, I may say, that a careful reference to the debates which preceded the Union, will bear me out in stating that Mr. Pitt was convinced, even then, that, without a very great reduction of the Protestant Establishment in Ireland, that measure never could be considered as complete. His words are so remarkable (I allude to the debate on the 21st of April, 1800) that I cannot refrain from recalling them to the recollection of the House:—'I shall only say this upon 'so interesting a subject, that the prosperity of the Church of Ireland never can 'be permanent, unless it be a part of the 'Union to leave, as a guard, power to the 'United Parliament to make some provision on this subject beyond any Act of 'their own that can now be agreed upon '......... It may be expedient to leave to 'Parliament an opportunity of considering 'what may be fit to be done for his Majesty's Catholic subjects, without seeking 'at present any rule to govern the Protestant Establishment, or making any provision upon that subject.' This was the language of true political foresight; and the experience of thirty years has only given us additional cause to deplore that Mr. Pitt's counsels should not have been acted upon sooner. The Union with Ireland never has been completed! The interests of the two countries never have been identified! The Protestant Church has remained, during the whole of this period, a bar to any kindly approximation of feeling between them—a bar, which it is our interest, not less than our duty, to remove. Is there any man in this House who will affirm, that if Mr. Pitt's views as to Catholic Emancipation, and an establishment for the Catholic clergy, which he is also known to have contemplated, had been acted upon in 1801, we should ever have had a Motion for the Repeal of the Union in 1834? I do not believe it possible—have not those who have agitated that question here, and elsewhere—(elsewhere, at least, for somehow or another, the subject was not dwelt upon here with the weight which I should attach to it) invariably found it necessary to connect the question of Repeal, with the claims of the Irish clergy? Are not half the petitions for Repeal, tithe petitions also? And, if the grievances resulting from the Protestant Establishment were redressed, have we not reason to believe that the charm which now dwells in that word "Repeal," would be broken? If, from the days of Mr. Pitt, we come to more modern times, we shall find, that the influence of the tithe question upon Irish hearts —I will not say Irish imaginations, because I feel that justice is on their side—has never varied. I do not wish to weary the House by analyzing all the proofs of this, which may be found in our Journals. I will come, at once, to the year 1822, and refer to the Motion of Sir John Newport, which was a very remarkable Motion, from the opinions which it was the means of eliciting. And what was the language which Sir John Newport held? Why he told the House, "That the tithe system could not be continued, except to entail eternal disquietude, and misery, upon Ireland." On the same occasion, I find my right hon. friend opposite, the Secretary of the Treasury (Mr. Spring Rice), exclaiming, in answer to some one, who urged the extreme delicacy of the subject, and the danger of mooting it in this House, that, "There was one thing more dangerous than discussion, and that was—despair." He added that—"Tithes, though not the exclusive cause of disorganization in Ireland, were mixed up in all the disturbances, which had so long prevailed there, so that it would be futile to devise any measure of relief, in which they were not included." Upon the same occasion, the right hon. Gentleman, the President of the Board of Control, made that memorable speech, which, as long as Ireland exists, will be referred to as one of the most beautiful, pictures of her situation, and her sufferings, as well as one of the most honourable proofs of the soundness, and liberality, of the views entertained by the right hon. Gentleman himself. And what, I ask, was the gist, and essence, of this remarkable speech? What, in the opinion of the right hon. Gentleman, amidst all the grievances of Ireland, was the grievance most acutely felt? The last drop in the full glass of her sufferings? Why, tithes! 'Tithes which, he said, had 'contributed more materially than any 'other cause to the deterioration of the 'country. The Levellers of 1760 resisted 'tithes. The Hearts of Oak, in 1764, 'resisted tithes. The fury of the Munster 'Insurgents, in 1787, was more peculiarly 'directed against the clergy. And, since 'the Union, revolts had not been less 'frequent, and their objects always the 'same.' Sir, this is strong evidence, and I hope it will be esteemed so by the House. But does it stand alone? Look to the very next year—1823; and to the not less remarkable Motion brought forward by the right hon. Baronet (Sir Henry Parnell), now the member for Dundee, for a Committee of Inquiry into the state of his native country. On that occasion I find him stating, that—"Out of a period of thirty-one years, no less than twenty-six years had been years of actual insurrection, or disturbance. Four years alone had been marked by anything like tranquillity." And to what did the hon. Baronet attribute this appalling state of things? Why— 'To political excitement, arising out of 'religious wrongs.........This, he said, was 'the evil we had to contend with. We 'must cure this, to put down disturbances '......... Scotland was never tranquil, until 'such a change was made in the laws, as 'restored, and re-established, the religion 'of the people.' In 1832, the Committee, moved for nine years before, by the right hon. Baronet, was granted; and I ask any Gentleman, who has read the evidence taken before that Committee, with the attention which it deserves, whether it does not entirely corroborate the views entertained by the right hon. Baronet, and whether it does not prove, to demonstration, not only that the causes of political disturbances in Ireland must be sought in religious wrongs, but that, amongst those wrongs, none have exercised so constant, so irritating, so pernicious an influence upon the minds of the people, as those connected with tithes? I might prove this by the evidence of almost every witness examined before that Committee; but I do not feel justified in trespassing at such length upon the indulgence of the House. Besides, I may be told, that the abuses of the old tithe-system are recognised by all parties. The variety of claimants—the perpetuity of small demands—the incessant collision with the occupying tenants, and, above all, the iniquitous exactions of the tithe-proctors;—these are things which no one attempts either to palliate or to deny! Indeed, no one has felt them more acutely, or described their effects so well, as the right hon. Gentleman, the Secretary for the Colonies, whom I regret not to see in his place. I regret it the more, because part of my argument must, necessarily, turn upon the line of conduct, which that right hon. Gentleman has felt it his duty to pursue, both in and out of this House, and upon the consequences of that conduct to the empire at large. I hope, however, that the House will do me the justice to believe, that if I cannot allow the absence of the right hon. Secretary to make any difference in the line of argument which I intended to pursue, I shall, at all events, not take advantage of that absence, to introduce any argument which I should not have urged had he been present. I shall simply follow the course which I had originally chalked out for myself, and from which I cannot depart, without injuring the cause which I have undertaken to plead. In the year 1832, the right hon. Secretary for the Colonies, in describing the effects of the tithe-system, said — 'That resistance to 'tithes was almost universal in Ireland. It 'extended to the Protestants in the north, 'as well as to the Catholics in the south. 'The seeds had been long sown, and were 'deeply rooted. Every symptom which 'could mark a determined opposition, on 'the part of a whole population,—acting as 'one man, against the imposition of a legal 'due, had been developed on this occasion. 'No processes could be served,—no at'torney would act.' I concur entirely with the right hon. Gentleman, in the truth of this picture, but I differ with him as to the remedy to be applied. He says, that commutation will be sufficient;—I say, that nothing short of a new appropriation can suffice, to produce even a momentary tranquillity. The argument used by the right hon. Secretary himself, at different periods, as well as the evidence taken before his Tithe-Committee of 1832, have rivetted this impression on my mind; and it is my deliberate conviction, that, without an entirely new appropriation of the revenues of the Protestant Church, the Irish people will regard commutation as a mockery. If I wish for a proof of this, as regards the future, I need only look to the past. In doing this, I cannot be supposed to be actuated by any unkindly feeling towards the right hon. Secretary, or towards his Majesty's Government, which I have so constantly supported during the short period that I have had the honour of a seat in this House. I refer to the past, simply, by way of illustrating what ought to be our conduct at the present time. I admit the great difference between the position, in which the question stands now and that in which it stood in the year 1824, when the right hon. Secretary first came forward as the champion of the Irish Church. There was, at that time, a great deal of exaggeration with regard to Church revenues abroad. We had no accurate data to go upon. Besides, so long as the Catholic emancipation was withheld, tithes were a minor grievance; and few had reflected upon the importance, which they would necessarily acquire in the eyes of the people of Ireland, when every other right was conceded to them, and the tithe system was left to stand alone,—a solitary monument of past oppression. I can perfectly understand the right hon. Gentleman's motives, under these circumstances, in taking up the gauntlet in defence of the Church, as he did, when he opposed, in 1824, the motion of my hon. friend behind me (the member for Middlesex), for a Committee of Inquiry. The right hon. Gentleman stated the case very fairly. He said,—'the Motion went 'either too far, or did not go far enough. 'The Established Church in Ireland should 'either be supported, or given up alto'gether.' This is the real question. Now the right hon. Gentleman has since had the opportunity of trying the experiment, whether in Ireland, the Established Church can be supported or not. He has been placed in a situation, in which the whole resources of this empire have been at his disposal. The Legislature has reposed in him, personally, the most unlimited confidence. Men, arms, money, Tithe Bills, Coercion Bills,—nothing has been withheld, that he has thought proper to call for; and I now ask him what has been the result? Is Ireland tranquil? Is the property of the Church secure? Can we contemplate any reasonable probability that the ministers of that Church will ever again be able to collect what are undoubtedly their legal dues, either through the medium of a Commutation Bill, without a change of appropriation, or by reverting to that system which the right hon. Gentleman himself once characterized as,—"a system which never ought to have existed, in any Christian community, between the pastor and his flock." What he says of the machinery, I say of the system itself;—of tithes in substance, as well as tithes in name; of tithes levied on a Catholic population for the support of a Protestant Church! This is the grievance, against which the complaints of the people of Ireland are directed; and this is an evil which no commutation can reach. If I want proof of this, I must again refer to the fate of the right hon. Gentleman's resolutions of 1832,—those celebrated resolutions, by which he constituted the Crown the receiver general of the Church, upon the supposition that he had only to make the Crown the creditor, and that by aid of the power which he possessed, he should be enabled to settle the question at once. What were the arguments by which those Resolutions were met? Why, the right hon. Baronet, the member for Dundee, told him, that,—'The system of advances 'and repayment, was impracticable. He 'was convinced that the means, by which 'that object was to be effected, would 'not succeed. They had the most distinct 'proof in the evidence given before the 'Committee, that they could not succeed. 'To his own knowledge, that evidence was 'most correct; the plan had not the 'slightest chance of success.' In this sentiment, almost every Irish Member, without distinction of party or politics concurred. The hon. and learned member for Tipperary, (Mr. Sheil) said,—"The collection of tithes is not the question; the amount of tithes is not the question; but the question is, shall the tithes be otherwise appropriated or not?" The hon. member for Kildare, (Mr. More O'Ferrall) said, that—"he never paid tithes without feeling himself degraded; he regarded it as a tribute paid by the conquered to the conquerors." The hon. member for Wexford (Mr. Lambert) said,—'He thought the Catholic people of 'Ireland wronged and insulted, by being 'compelled to pay tithes to a Protestant 'Church. For his own part, he never 'paid them without feeling, that there was 'no just right to compel him to do so. The 'law might give the right, but to him it 'was a legal wrong.' Sir, these are the sentiments—not of professed agitators—not of men who are desirous to dissever the connexion between the two countries—but of men distinguished amongst ourselves by their high and gallant bearing, and who may fairly be supposed to represent here the opinions of the more moderate class of the community to which they belong. There was no want of prophets, indeed, on the other side! The Solicitor-General for Ireland (who, by-the-by, has not now a seat in this House), announced, most distinctly, that—'the moment the fiat of the 'Legislature was pronounced, combination 'against tithes in Ireland would be broken. 'The arm of the Church was weak, but 'the arm of the law was strong; and com'bination and conspiracy would melt away 'before it,—

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* From a Corrected Report.

'Like snow before the summer's sun.'

It is always a dangerous thing for a lawyer to deal in poetry; but there never, perhaps, was a case in which the visions of the imagination were so decidedly at variance with facts as in the case now before us. The Act which the hon. and learned Gentleman sought was passed;—he was invested with the powers for which he had so earnestly prayed;—and what then? At the expense of 26,000*l.*, in the course of six months, he succeeded in collecting 12,000*l.* of arrears. The attempt was then abandoned, and this House was compelled at the close of the last session, to purchase a truce at the expense of one million more. That truce is now about to expire. On the 1st of November, the clergy of Ireland will be thrown once more upon the resources of the country; and I ask the noble Lord opposite, with that feeling of unfeigned respect and regard which I have always entertained for him, whether he can, with that fearful responsibility which must rest upon him, recommend to this House to have recourse to a system of commutation, the inevitable failure of which every one again predicts; or whether he will not rather address us in the words which Curran once used in the Irish Parliament, and say,—'You have the infallible test of 'fact and experience before you, and 'wretched indeed must you be, if false 'shame, false pride, false fear, false spirit, 'can prevent you from reading that lesson 'of wisdom which is written in the blood 'and in the calamities of your country.' Sir, we have tried force to support the Irish Church, and it has failed us. By the Return which I hold in my hand, I find that, from the year 1825 to 1832, our army in Ireland varied from 19,000 to 23,000 men: that is to say, it consisted, as nearly as possible, of the same amount of British force as is required for the whole of our Indian Empire, and within one-third of the force employed to occupy our colonies in the other three quarters of the world. The expense of this army in Ireland, from the 1st of April, 1833, to the 31st of March 1834, amounted to 1,025,621*l.*; in addition to which we have kept up a large police force, the cost of which, from the year 1830, to 1832, has increased from 256,663*l.* to 287,192*l.*; and I suppose, since 1832, there has been a still greater increase. —[Mr. *Finn*: 50,000*l.* a-year more.]—So much for the question of expense; but, independently of this, I will put it to the House to say, whether it is not a great abuse of our gallant soldiery to convert them into agents for the collection of tithes in every petty village and district throughout the country? Their character has, indeed, only been raised hitherto, by the trial, but it should not be risked too long. We have not only tried force, but we have tried law, to support the Irish Church; and that has failed us also. I hold in my hand a Return of the number of tithe causes tried in Ireland from 1817 to 1821, which was ordered to be laid on the Table of the House on the 18th of March, 1822. It states, that, the number of tithe causes tried in the Ecclesiastical Courts, amounted to 3,418; and that the number of tithe causes tried at Quarter Sessions, by what is termed Civil Bill Process, before the assistant-barristers, amounted, in the same period, to 86,487; making a total of 89,905; which gives an average of nearly 20,000 tithe-causes in each successive year. Besides this, the Magistrates are empowered, by the 54th of George 3rd, to decide all cases under ten pounds; and the Clerk of the Peace for the county of Armagh estimates the number of causes brought before the Magistrates of that county alone, to be 1,000 annually. I do not wish to submit such a statement as this to the House, without stating precisely the manner in which it has been made out. The Clerks of the Peace, in making the original returns, stated generally, that they were unable to make any distinction between tithe causes and other causes, tried before the assistant barristers; but they added, that, to the best of their belief, about one-third of the causes thus decided were tithe causes. From seven counties, indeed, there are distinct returns, either of tithe causes, entered as such, or of those causes tried at the suit of clergymen or tithe-proctors, which are supposed, naturally, to have originated in tithes. In all the rest, I have taken the third of the whole return as the basis of my calculation. But so anxious was I to avoid anything like exaggeration in this matter, that I put the paper which I had thus drawn up into the hands of the hon. and learned Recorder for Dublin, whose absence on this occasion I much regret, and asked his opinion respecting it. He told me, with great fairness, that he could not speak personally as to the accuracy of any of the statements, but that, as the cases tried before the assistant-barristers comprehended all those cases in which a note-of-hand had been given, and as that mode of paying tithes was almost universal in Ireland, he did not conceive the estimate to be exaggerated. Well might the right hon. Gentleman, the President of the Board of Control, say of such a system as this, in the speech to which I have already referred, that—'Tithes were a constant source of irritation 'in Ireland, from May to April, and from 'April again to May. Year by year, the 'same tormenting routine re-commences; 'and as it extends from farms to villages, 'and from villages to counties, you will see 'what a fruitful source is here opened for 'discontent and heart-burnings; and, in 'the end, for the most serious troubles.' But we have tried, not only force and law, for the support of the Irish Church,—we have tried liberality also! I find, by a reference to the Report of the Committee on the Irish Miscellaneous Estimates in 1829, that the grants made to the Charter Schools, the Associations for Discountenancing Vice, and to the Kildare-place Society, in all of which institutions education was, in some way, connected with a system of Protestant proselytism, amounted to 1,378,369*l.* During the first fifteen years of the Union, the grants of this House for building churches, and purchasing glebe-lands, amounted to 234,415*l.* more. And, as these grants have been continued down to a very recent period, I do not think that I can be accused of anything like exaggeration in stating, that upwards of two millions of English money, in addition to the million granted last year, have been employed to gild the pill of the Protestant Establishment in Ireland, which the natives of that country have, nevertheless, been almost unanimous in rejecting! The Irish people have clung, with an almost desperate tenacity, to their ancient creed—a creed, which has been endeared to them, not only by the attempts which have been made to shake its hold upon their affections, but, I fear I must add, by the flagrant abuses of the Protestant Establishment itself. Before I approach this branch of my subject, or enter into a comparative statement of the services rendered, and of the scale of remuneration required, by that Church, I must state to the House, that I was most anxious to obtain some better statistical data, upon which to judge of this part of the question, than any that have hitherto existed. The House is aware, that all religious distinctions have been excluded from the census of the population in Ireland, since 1731. The returns moved for by the hon. member for Cheshire, of those parishes in which the number of Protestants does not amount to fifty, have not yet been laid upon the Table of the House; and the returns of the Catholic Association, which have often been appealed to, only include 278 parishes out of 925. I am, therefore, forced to have recourse to the more ordinary sources of information, the accuracy of which there can be no reason to doubt, as the basis of my calculations. By the Population Abstract in 1831, it appears, that the population of Ireland, at that time, amounted to 7,767,401 souls. I may, therefore, fairly estimate them at 8,000,000 at the present day. The rev. Mr. Cooke, the moderator of the Synod at Ulster, in his evidence before the Committee of Education in the year 1828, states, that the Presbyterians of the Synod of Ulster amounted to 559,828. In the Synod of Munster there were 5,000 more; and in the other provinces, 5,022; making together a total of 569,840 Presbyterian Dissenters from the Established Church in Ireland. In 1812, Wakefield estimated the Episcopalian Protestants at one-fourteenth of the whole population; and I have no reason to believe, that his estimate was incorrect, or that the proportion has changed in their favour at the present day. I have a Return made in 1831, of the population of thirty-seven parishes in the diocese of Ossory, for the accuracy of which the hon. member for Kilkenny will vouch. The population of these thirty-seven parishes, in the year 1731, according to a return made by the Protestant Bishop to the House of Lords, was 16,487; the Protestants amounting to 1,935. In 1831, the total population was found to be 64,225, of whom 1,453 only were Protestants. Thus, while the total population had quadrupled in the period of a hundred years, the number of Protestants had fallen off by one-fifth; not as compared with the whole population, but as compared with its own numbers in 1731. The average would be about one in forty-four. The returns, which have been made to me from various parts of Ireland, tend to confirm this result, or, at least, to prove, incontestably, that Wakefield's estimate of one-fourteenth, exceeds, rather than falls short of, the real number of Episcopalian Protestants in Ireland. I hold in my hand returns from nine different counties, taken, I can assure the House, without the slightest wish to make out a case, for I have included all the documents that have reached me, wherever I have been able to ascertain that the parties furnishing them might be relied on for their accuracy. These Returns comprehend seventy parishes, containing a population of 329,000 Catholics, and only 14,037 Protestants, many of whom are stated to be Dissenters. This gives an average of one Protestant to twenty-three Catholics, in the whole seventy parishes; but the proportion, in different parishes, varies from one in nine, to one in sixteen, one in forty, one in 95, and, in one parish, the proportion is even one Protestant to 134 Catholics! I have a return of the population of seventeen parishes in the county of Louth, which is stated to amount to 17,007 in all, of whom only 253 are Protestants. In these seventeen parishes, 3,000*l.* a-year is paid, annually, by the Catholics for the religious instruction of 208 Protestants! for forty-five of the 253 included in the return are stated to be Dissenters. The only part of the census taken by the Catholic Association, which was complete, was the census of the diocese of Waterford; and the population there, in 1828, was found to amount to 231,818 Catholics, and 1,149 Protestants. The House will perceive that the average which I have before taken of the nine counties which gave one Protestant to twenty-three Catholics, exactly tallies with this. I received, this morning, some additional returns from twenty other parishes, the total population of which amounts to 85,700 souls, of whom 2,155 only are Protestants. This would give an average of only one in thirty-nine; but I am far from wishing to assume that these conclusions can be correct. I have no doubt that the strongest cases have been selected by those who have put themselves in communication with me. But if, in lieu of adopting the averages which these returns would authorize me in taking, (that is, one in twenty-three, or one in thirty-nine), I assume Wakefield's average of one in fourteen to be correct, I think I cannot fairly be accused of any design to diminish the numbers of the Episcopalian Protestants below their real amount. This would give 600,000 in all, as the numbers of those, for whose exclusive benefit the present Establishment is kept up. And what is the cost of this Establishment?—Very nearly one million sterling. The noble Lord, in his calculation last year, did not make it out to be so much; but he omitted, in his estimate, the glebe lands held by the clergy, amounting to 85,000 acres of good land, which, at 30*s.* an acre, would amount to 135,000*l.* a-year. This, together with the Bishops' lands, the ecclesiastical Corporations, and the returns of tithes, will make a total of 937,456*l.* as the yearly revenue actually received by the Irish Church. The total number of benefices is 1,456, of which seventy-four range from 800*l.* to 1,000*l.* a-year; seventy-five from 1,000*l.* to 1,500*l.*; seventeen from 1,500*l.* to 2,000*l.*; and ten from 2,000*l.* to 2,800*l.*, which is the *maximum.* There are 407 livings varying from 400*l.* to 800*l.* per annum; and 386 livings, exceeding 200*l.*, which is the *maximum* of remuneration among the Presbyterians of the north. Who can say, that such a fund as this is requisite to supply the spiritual wants of 600,000 souls? Who can wonder that the very magnitude of the Establishment, and the paucity of the duties attached to the different livings, should have rendered the Irish clergy peculiarly open to those attacks, on the score of non-residence, and neglect, which constitute one of the most serious charges against them? I find by reference to returns which were laid before Parliament in 1819, that the numbers of resident and non-resident clergymen, during the five years preceding, were nearly equal. In 1814, there were 644 residents, and 543 non-residents; in 1817, there were 765 residents, and 544 non-residents, and, in 1819, there were 758 residents, and 531 non-residents. The non-residents are classed rather singularly—they are called non-residents by exemption, non-residents by dispensation, faculty, or license; non-residents without dispensation, faculty, or license; and miscellaneous non-residents. This last term I do not quite understand; but, be the classification what it may, one thing is evident, namely—that the greater part of the work of the Protestant Establishment in Ireland has been done by the curates, of whom there are no less than 730, at the present day, receiving salaries varying from 18*l.* to 200*l.* a-year, but averaging, perhaps, between 60*l.* and 70*l.* Now, if, for this pittance of 70*l.* a-year, the working portion of the Protestant Establishment can be provided for, what must the feelings of the Catholics be towards that part of the Establishment by which no work is done at all? Why should they submit to the burthen, which this Establishment imposes on them? Why should they not, to use the words of my hon. and learned friend, the member for Tipperary (Mr. Sheil), "cry out as loudly against churches without congregations, as the people of England did against boroughs without constituents?" I admit the analogy between the two cases, and I believe, that the demand will be found to be equally irresistible in the one case, as in the other, because it is equally just. I shall now be asked whether I wish, by pointing out the defects of the Establishment so strongly, to strip the Protestant Church entirely of those revenues which have been so long appropriated to its service, and to transfer them, at once, to the Catholics, as constituting the majority of the population? Certainly not. I do not hesitate to say, that I contemplate nothing of the kind. I wish only to do away with that glaring disproportion, which exists, at present, between the scale of duty and the scale of remuneration in the Church. I do not see why there should be livings of 800*l.* or 1,000*l.* a-year, with not more than ten or twelve Protestants to benefit from so ample a fund; and those Protestants constituting, in more than one instance, the family of the vicar, actually brought into the parish by himself. I do not see why, in cases where there is only the remnant of a Protestant flock, some provision should not be made for that remnant by the occasional services of a curate, without entailing on the parish the expenses to which a rector thinks himself entitled. I do not see why we should not follow the same scale of remuneration with respect to the episcopal clergy, where there are literally not Protestants sufficient to constitute a Protestant congregation, as is held to be satisfactory by the Presbyterians of the north of Ireland. The country is the same—the religious services are the same—yet you find, if you look to the evidence of Mr. Cooke, the Moderator of the Synod of Ulster, that the incomes of the Presbyterian ministers of the first class, in the large towns of Armagh, Newry, Belfast, and Dublin, (the great prizes in the lottery of Presbyterian Church preferment) do not vary from 250*l.* to 300*l.* a-year; while, in the country districts, they do not average 160*l.* This includes the *Regium Donum,* or Government allowance, which is distributed amongst them in three separate classes, (the first of which receives 100*l.* a-year, the second 75*l.*, and the third 50*l.*,) as well as the stipend derived from their flocks, which consists entirely of pew-rents, surplice-fees being quite unknown. If this example is not sufficient, look at the clergy of Scotland! In what country, on the face of the globe, are the duties of the pastoral office more faithfully performed? In what country does the clergyman exercise a more beneficial influence over his flock? Where are the clergy, as a body, more looked up to, respected, and beloved? Yet, what is the scale of remuneration there? The *minimum* is, I believe, 150*l.* a-year; but, in the majority of the country districts, it is about 200*l.* In some cases it amounts to 250*l.*, but in none does it exceed 300*l.* With this example before us, I think I cannot be accused of acting with niggardly parsimony towards the Church, if I propose, as a proper scale of remuneration for the episcopalian clergy of Ireland, who are actually in want of a flock, that which is considered by the Presbyterian clergy of the north of Ireland, and by the whole Presbyterian clergy of Scotland, as an ample compensation for the faithful and laborious discharge of all the duties of the Christian ministry. If I am asked how I would regulate the distribution of these salaries, I say, that I would give to Commissioners the power of assigning certain salaries, in particular cases, subject to the control of Parliament, which should fix permanently those cases in which a provision might be made. We have an example before us to prove the facility with which a plan of this nature may be carried into execution, in the ecclesiastical system of France. Provision is made there, in the Budget of every year, for the clergymen of every congregation of Christians, without distinction of religious opinions, who notify their existence to the Minister of the Interior. There are certain forms to be attended to, in order to constitute a legal existence; but when these have been complied with, the Minister, at once, assigns to them, in the Budget, a fixed sum, which is sanctioned by the Chambers. In France there is no tithe fund, upon which to draw for these grants. It was, as is well known, voted away, in a moment of what has been called revolutionary enthusiasm, but which I should call revolutionary frenzy. However, the benefit did not go to the great land-owners only, as it would do if tithes were abolished in Ireland, or here. There was so great a mass of confiscated property sold at that period, under the name of National Domains, and this property was so parcelled out among the small landowners, that the benefit of the abolition of tithes has been brought home to every class; and every class is justly called upon, now, to contribute towards the national fund for the support of religion. That fund is distributed, as I have already said, by the Minister of the Interior. The Bishops and Archbishops receive out of it from 15,000 to 20,000 francs; the salaries of the curates are small, but vary according to the surplice-fees, which, in large towns, such as Paris, amount to a considerable sum. I am assured by friends, upon whose accuracy I can rely, that this system works well—that it prevents rivalry between the different sects, and ensures a full measure of religious instruction for the people. It is for this House to say, whether there may not be, in the case of Ireland, many circumstances, which might render the adoption of a similar system advisable there. I merely submit to the House, now, the necessity of some decisive change in the present state of things, as a general proposition; but I shall be prepared to go into details, as to the best mode of effecting this change, if the House should sanction the principle of reduction which I have laid down to night. But, of course, although reduction is the first step towards any improvement, our right to reduce depends upon our right to deal with the Church property at all,—on which important subject, as I have introduced it into my present Resolution, I shall beg leave to offer to the House a few observations. I have been blamed for mooting this subject at all, at this particular time; and I have been told that, by doing so, I have raised a new ground of discussion. I really will not do hon. Members the injustice to suppose this. I will not do the House the injustice to suppose, that any hon. Member could bring himself to vote for a reduction in the Irish Establishment, without believing that we have a full right to regulate the distribution of the Church property in any way that the welfare of the community may require. If we have not that right, we cannot approach the question at all. We have no plea for interfering with it! We must, therefore, establish the right in the first instance, and then proceed, if necessary, to act upon that right. Sir, I do not shrink at all from this discussion. I am aware of the prejudices which have long existed on this subject—I am aware of the odium to which a man may expose himself, with a certain party at least, by advocating, even at this day, and in this House, what appear to me to be the plain principles of common sense. [*"No, no."*] I merely made that observation, because it has been urged on me by many Gentlemen who are disposed to vote for the principle of reduction, in the case of Ireland, that they do not like to assert that we have that right and power of control, which, in my view of the case, could alone justify our interference; and I repeat, that this feeling is so strong with me, that I cannot follow their advice, by attempting to evade the question, but shall bring it fully and fairly before the House, after first touching upon a peculiarity in the case of Ireland, on which great stress has been laid, as an objection to our dealing with the property belonging to the Church in that country—I mean the Act of Union. "The 5th article of that Act is, I believe, the one on which those Gentlemen, who have invoked it to their assistance, found their argument. It states distinctly, 'That the Churches of England 'and Ireland, as now by law established, 'shall be united into one Protestant Episcopal Church, to be called the United 'Church of England and Ireland; and 'that the "doctrine, worship, discipline, 'and government" of the said United 'Church (not one word about temporalities), 'shall be, and shall remain in full force, 'for ever, as the same are now by law 'established.' I know that, in the year 1825, no less a statesman than Mr. Canning—for whom no man can entertain a more sincere respect than I do, from every personal feeling—(for he was the first friend I had in public life)—said, that he thought these arguments conclusive, not only against reduction, but against inquiry. He rested his opposition to the Motion of the hon. member for Middlesex on this ground alone, and asked the House, 'Whether it were 'possible to pass a Resolution for a Committee of Inquiry consistently with that 'Statute? The compact, which had been 'made at the Union, might be broken; 'but, until that was done, Parliament 'could not, without a violation, which 'would lead to the apprehension of violations of all kinds, concur in the Resolution of the hon. Member.' The same line was taken by the right hon. Baronet, the member for Tamworth; and it has been followed, most perseveringly, by the hon. Baronet, the member for the University of Oxford, whose absence, on the present occasion I see with great regret, knowing the cause to which it must be ascribed. Now, without indulging in anything like casuistry, or special pleading, on this point, I cannot help saying, that, when I couple the declaration made by Mr. Pitt, in his speech before the Union, to which I have already referred, with the omission of the word "temporalities" in the Act of Union itself, I think I have a right to assume, that it was not intended, by the Government of that day, to include the temporalities of the Irish Church in the provisions of the 5th Article. [Colonel *Perceval:* No, no.] Sir, I repeat the assertion! I believe, that it was the intention of Mr. Pitt to confine the operation of that article to the objects expressed by the words specifically introduced into it—namely, the "doctrine, worship, discipline, and government," of the united Church, all of which I would hold sacred. I merely wish to confine their operation to the circle within which alone they can operate beneficially—namely, the circle of the Protestant Episcopalians in Ireland, who constitute the Church, and who, as a Church, will, I hope, always continue united with our own. But even supposing that it was the intention of those who framed the Act of Union to include in it the temporalities of the Church—I say, that they had no right to bind future generations. They had no right whatsoever to preclude the future Representatives of the two contracting parties in Parliament assembled, from agreeing, by common consent, to modify that Act in any way which the common interests of the two countries might require. I have high authority for saying this—the highest in England at this day—I mean the present Lord Chancellor, who met Mr. Canning on this ground, in 1825, and said: 'Much had been said of 'the compact of the Union between Great 'Britain and Ireland, and of its inviolability; yet, who that looked at the previous Union between Scotland and Eng-

'land, but must be convinced, that it was 'incidental to such treaties or engage- 'ments to be subjected to the future con- 'sideration of the Legislature.' Lord Brougham gave, as an instance of this, the abolition of heritable jurisdiction in Scotland, within forty years after the Union, by common consent, although the right had been specially reserved by the Act of Union; and he added: 'Taking into con- 'sideration the state of the Church in Ire- 'land, and the state of the population, 'who, though obliged to support that 'Church, received no benefit from it,—it 'was "monstrous" to assert that such a 'system should never undergo legislative 'revision. These were the opinions of Lord Brougham, when he sat in this House. I might push the argument further —I might ask, whether this House would prefer a union in name, to a union in reality? Whether it would prefer the form to the substance? But this is not necessary. The question is no longer a question of principle, but a question of degree. The principle was conceded, last Session, in the Irish Church Reform Bill; for there is not one principle contained in the Resolution which I shall move to-night, which was not acted on in that Bill, although in a modified shape. You dealt then with the Bishops—prospectively—as I wish to do now. You reduced their number by one-half—you abolished Vestry-cess —and you even laid an Income-tax upon existing incumbents, which is more than I have proposed to do, for I wish to hold sacred all existing rights. I repeat, therefore, that this is no longer a question of principle, but simply of degree; and those who are disposed to oppose the Motion on the plea of principle, must seek some other ground of opposition than the Act of Union. Well, then, are there any other grounds of opposition? Have we a right to deal with Church property at all?—(for we come now to the general question)—or are there, in the state of Ireland, some peculiar circumstances, which render the exercise of that right particularly dangerous there? With regard to the general question, as to our right to deal with the Church property at all, the opinions of so many Members of this House have been so frequently and so strongly expressed, that I hardly feel it necessary to trouble the House by referring to them. I shall, however, select one or two. In the first place, I will quote the observations of the noble Lord (Lord Althorp) opposite, on his own Motion on the state of Ireland in 1824; and I beg to assure the noble Lord, that I do so without the slightest wish to embarrass him, or to pin him down to a particular course, by a partial, or garbled quotation, but merely with a view to strengthen my own case, by recalling to the recollection of the House what have been, and I trust are, the opinions held upon this subject, by some of its most distinguished Members. The noble Lord said, (May 11th, 1824): 'If it should appear that, by 'a different distribution, or even by a 'diminution, of the revenues of the Church, 'the people might be less alienated from 'that Church than they now were, he did 'not think that, in recommending such a 'measure, he should be proposing any- 'thing inconsistent with the prosperity of 'the Church Establishment in Ireland.' The House will perceive by this, that, between the noble Lord and me it is clearly a question of degree. Lord Brougham, in the following year (1825), exclaimed, with reference to this same subject, in his own emphatic manner—'God forbid, that he 'should contend, that the Church had the 'same power over its property which in- 'dividuals had over theirs. There was no 'sort of analogy between them. The 'Church received its property for the per- 'formance of certain services; but private 'property was held unconditionally.' As late as the year 1830, I find even the hon. member for Essex (Mr. Baring) rising in this House, 'To enter his protest against 'the doctrine, that, in no case was it com- 'petent for Parliament to meddle with the 'property of the Church, which was to be 'held as sacred as any gentleman's private 'property. What the state of the Church 'of Ireland might be, he did not pretend 'to know; but this he did know—that 'there was a power in the three branches 'of the Legislature, to revise the distribu- 'tion of its property.' Sir, these are sound and practical opinions. They are borne out by the practice of every European nation, and are, moreover, in conformity with the sentiments of some of the most eminent of our own divines. Warburton distinctly states, that, 'The alliance be- 'tween the Church and the State, is not 'irrevocable. It subsists just so long as 'the Church thereby established maintains 'its superiority of extent; which, when it 'loses, to any considerable degree, the 'alliance becomes void. For the united 'Church being then no longer able to 'perform its part of the convention, 'which is formed on reciprocal condi- 'tions, the State becomes disengaged.'

Again he says:—'The adventitious advantages derived by the Church from the 'State must be defended by the State as 'long as the Union lasts. But when the 'Union is dissolved, they both fall together, without any essential damage to 'the Church as a religious society.' Paley uses yet stronger language, for he begins his chapter on religious establishments, by saying:—'A religious establishment is no 'part of Christianity. It is only a means 'of inculcating it. Its authority is founded 'upon its utility.' And he adds:—'There 'is nothing in the nature of religion, as 'such, which exempts it from the authority of the Legislature, when the 'safety or welfare of the community requires its interposition.' And again:—'If the Dissenters from the establishment 'become a majority of the people, the establishment itself ought to be altered, or 'modified.' Bacon who, though no divine, is a great authority, says, in his Treatise on the Pacification of the Church:—'I 'would only ask why the civil state should 'be purged and restored by good and 'wholesome laws, made every third or 'fourth year in Parliament assembled—'devising remedies, as fast as time breedeth 'mischief; while, contrariwise, the ecclesiastical state should still continue upon 'the dregs of time, and receive no alteration.' These, Sir, I repeat, are the doctrines of sound common sense; and, as such, they were acted upon by our ancestors long before they were laid down in books. They had no scruples, at the Reformation, in transferring the property of the Catholic Church to the ministers of that creed, which became the creed of the majority of the people. They knew that the "adventitious advantages," of which Warburton speaks, ought to cease with the alliance which had given birth to them; and, the moment that alliance was dissolved, they transferred the property of the Catholic Church, both in England, and Ireland, to the ministers of the reformed religion. What the State then gave, the State has the power to resume, upon the same principle, that is, if we find it necessary for the good of the community! If, (to use the words of the noble Paymaster of the Forces, on the 13th of July, 1832,) we find—'That the Protestant 'Church in Ireland is too large, not only 'for the wants of the Protestant population, but for its own stability.' Or that—'What was intended by our ancestors in 'the establishment of the Church of Ireland, for religious, and moral, purposes, 'had not answered that end.' This is the real question, which we have now to determine; and not only has the Legislature a right to examine into this question—to sift, and probe it, to the very bottom—but the people of England have a moral right to call on this House to discharge this sacred duty, and to modify, remodel, or recall altogether, the charter of the ecclesiastical corporation in Ireland, if it be found not to have answered the ends of its institution. But, said the right hon. Baronet, the member for Tamworth, (on the 13th of March, 1832,) such an interference in Ireland would be peculiarly dangerous. Look at the old confiscations:—'If a prescription of 300 years can 'plead nothing in favour of Church property, how unlikely is it that a prescription of 150 years can plead in favour of 'the settlement of lay property.' Now, the force of this argument depends on the fact, whether Church property is regarded by the people of this country (as I conceive it to be, universally) in the light of trust property, or not? If it be so regarded—if it is held to be what Grattan calls it, "the salary of prayer, and not the gift of God, independent of the duty," it cannot be, in any way, injurious to lay property to interfere with it. As to the old confiscations—I will appeal to the hon. and learned member for Dublin to say, whether it is possible to interfere in any way with the Acts of Settlement under Charles and William, however harsh or unjust the provisions of those Acts may have been without destroying the titles of every one of those Catholics who have acquired property in land since the relaxation of the Penal-laws? We may, therefore, fairly set the interests of the present generation against those of the representatives of the old proprietors of the soil, and trust to them for the maintenance of acts, which it is impossible now to revert to, without bringing down upon us the fabric of society itself. Sir James Mackintosh has a passage upon this very subject in his last work, which is so apposite, and so powerful, that I shall beg leave to read it to the House, and it is the last quotation, with which I shall trouble them. Speaking of the Irish confiscations, he says:—'It is one of the most malignant 'properties of extensive confiscation, that 'it is irreparable. The land is sold to 'honest purchasers; it is inherited by innocent children; it is made the security 'of creditors:—its safety becomes interwoven, by the complicated transactions 'of life, with all the interests of the community. One act of injustice is not to 'be atoned for by the commission of another, against parties who may be equally 'unoffending.' To the influence of these feelings we may safely trust for the maintenance of the Acts of Settlement as they now exist; and I will venture to predict that the feeling will only be strengthened by any measure, that gives tranquillity to Ireland, and enables her to develope those resources with which nature has so richly endowed her, but of which, by a singular combination of misfortune, and misgovernment, she has been prevented, hitherto, from availing herself. Sir, my task is now drawing to a close. I have argued the question of necessity. I have argued the question of right. I have shown that, in the opinion of many of our most eminent statesmen, the present system in Ireland cannot go on; that we war against nature itself in endeavouring to uphold it. I have shown that a great change in this system must take place, before we can hope to witness that identification of interests and of feelings, between the two countries, which it must be the object of all to bring about: and I have shown, moreover, that the remedy is in our hands. I now, therefore, call upon this House not to shrink from the duty of applying it. I call upon the House most earnestly, and solemnly, to reflect upon the tremendous consequences, which the decision of this night must have, not only upon Ireland, but upon the empire at large! If we look to Ireland, I ask any Irish Member, who hears me, without distinction of party, or politics, whether his hopes of public tranquillity—I might almost say of domestic peace—do not depend on the settlement of this question before the ensuing winter? For, when I talk of tranquillity in Ireland, I do not mean that tranquillity, which we are accustomed to enjoy in this more favoured part of the empire—I mean, simply, an exemption from scenes of anarchy, of rapine, and of blood—of which those can form no conception who have never been exposed to their withering influence. If we look at home, we shall find, that the character of this reformed House must depend, most materially, on the decision which we are about to pronounce. We have evaded this question once—we can do so no longer! It is now brought fairly forward—not mixed up with the question of the Irish Tithe Commutation Bill; but as a substantive question, on which the country has a right to expect an explicit declaration of opinion from all concerned, and, more particularly, from the right hon. Gentlemen opposite, who have always stated, that, whenever the time for making such a declaration arrived, they would not shrink from it. Sir, I have said, that the character of this House, as far as England is concerned, depends on the decision of this night, and I will not recall one word of this assertion!—Where, I ask, is the constituency, occupied as all now are with questions flowing out of the great question of religious rights, before which any Member can hope to justify a vote, upholding, in all its magnitude, the colossal injustice of the Irish Church? Where is the Dissenter, who can give such a vote, sanctioning, as he must do by it, the principle, that it is not upon the basis of population, that an establishment ought to rest? Where is the Scotch Member who will give such a vote, and disgrace the noble lessons of his ancestors, by contributing to rivet the chains of a country, which has struggled less successfully, but not less justly, than his own? As to the members of that Church, to which I myself belong, I think myself entitled to address to them a few words of earnest warning. Let us not endeavour to serve the cause of the Church of England at home, by connecting it with the cause of injustice in a sister country! The cases of England, and Ireland, are now perfectly distinct. It will be our fault if they are hereafter confounded. The Church of England still rests on the broad basis of population. It still maintains its hold on the affections and respect of a great proportion of the English people; and it is my most earnest wish and prayer, that it may long retain it! But I feel most deeply convinced that it can only do this by conforming to the spirit of the times in which we live. By withholding no just rights—by opposing no just demands—by conceding to its opponents, here, every civil privilege, which they are fairly entitled to ask—and, above all, by not attempting to perpetuate, in Ireland, a system, which is not less at variance with the just rights of man, than it is with the mild and pure spirit of Christianity itself. If I am told that it is easy to declaim on such a subject as this, but very difficult to legislate—I, at once, deny the fact. I say, look at Scotland! Look at that statute, which gave peace to her, after fifty years of oppression, and suffering! It contained just twenty lines; and twenty lines would suffice now to restore Ireland to tranquillity, if they contained an assurance, as this statute does, that, in the future distribution of Church property in Ireland, due regard should be shown to the religion of the vast majority of the people. If I am told, that this religion is not the true religion, and that we ought not to sacrifice to political expediency the sacred interests of truth—I again deny the fact. I say, that with truth, as legislators, we have nothing to do! We have to look to civil utility alone, as the basis of the connexion between the Church and the State; and if we once wander from this strong ground, there is no predicting the consequences which must ensue? Who is to be the judge of truth, except one, to whom, in this world, there can be no appeal! Where is the source of truth, except in that sacred volume, from which, in all times—ay, even down to the present day—the most opposite conclusions have been drawn, upon points of doctrine, at least, by the wisest, the most virtuous, and the most conscientious of mankind! Look at the consequences, again, of adopting this principle! If we maintain the established religion to be the only true religion, the State must follow up this doctrine! It must enact Test-laws for its protection. It must put down all who reject it! Sir, it was in the name of truth that the Spanish Inquisition was established; and Louis 14th was never more intimately convinced of the truth of his religion, than when he desolated the fairest provinces of France, in its name, by the revocation of the edict of Nantes! These were the effects of maintaining the established religion to be the true religion in Catholic countries. But let us not forget, Protestants as we are, that it was in the name of truth that Ireland was cursed with the Penal-laws! Sir, I have no wish to dwell upon this hateful topic; but when I see—and I do not use the term irreverently—how in this case, at least, the sins of the fathers have been visited upon the chidren, unto the third and fourth generation—when I see what a plentiful crop of strife, of disorganization, and of blood, has been born by the seed sown in 1704, when the attempt was made to degrade, and brutalize, the whole Catholic population, by a series of legislative enactments—I feel that there cannot be a man in the assembly, which I am now addressing, who would ever again consent to sully the pages of our statute-book by unjust, and partial laws, enacted in the name of truth. If I am told that the people of England are not prepared for the adoption of such principles as these, and that, at all events, it is useless to moot them here, because they will never receive the sanction of another branch of the Legislature—I, once more, deny the fact! The people of England are prepared for the adoption of the principles of justice, and of religious toleration, to the fullest extent of the terms; and, as to the other branch of the Legislature, we have nothing to do with it. We ought neither to court, nor to fear, its opposition! Let this House but discharge its own duties honestly; let it place itself in the van of public opinion, instead of lagging, tardily, behind;—let it above all, redeem that pledge, which it has so recently, and so solemnly given,—"to remove all just causes of complaint in Ireland, and to promote all well-considered measures of improvement," and I will venture to predict that its influence will be irresistible! Sir, the path of duty—I had almost said the path of honour, when I looked to our late Address—lies open before us. Time has worn away those obstacles, which Mr. Pitt was unable to surmount: and that vision of conciliation and of peace—(I use his own words—and most remarkable words they are)—which he saw in the distance, but which he was unable to realize, is now within our grasp. Let this House, by its vote of to-night, calmly and deliberately, but firmly—resolve to enter on this path—the path of duty, and the path of honour—and so far am I from apprehending that the people of England will ever desert us, in the attempt to assert what I believe to be the cause of true religion—of just, and equal rights—that I am convinced that every honest heart and voice will be with us, and that the blessings of millions will cheer us on our way. Sir, I feel how inadequate my efforts have been to do justice to the importance of this great cause. I trust that the exertions of others will cover my deficiencies; and that it will receive from the House that full measure of deep, and earnest consideration, to which its own merits so justly entitle it. With these feelings—with these wishes—with these hopes, I shall now proceed: to move—"That the Protestant Episcopal Establishment in Ireland exceeds the spiritual wants of the Protestant population; and that, it being the right of the State to regulate the distribution of Church property, in such manner as Parliament may determine, it is the opinion of this House, that the temporal possessions of the Church of Ireland, as now established by law, ought to be reduced."

Mr. *Grote* rose to second the Motion of his hon. friend, and stated that he did so, fully concurring in all the opinions which his hon. friend had expressed. He felt, that the proposition was not only an act of justice, but that it was recommended by every consideration connected with the peace of Ireland, and connected with the peace of the Empire at large. It was a proposition, the adoption of which would be wise at all times, but would be especially wise at the present moment, when the question of tithes in Ireland had become one of so much importance, and when such extensive alterations were made and proposed in the law with respect to that subject. The eloquent speech of his hon. friend, and the manner in which he had touched upon all the subjects to which the Motion related, not only relieved him (Mr. Grote) from the necessity of entering at great length upon the question, but imposed upon him the duty of being as brief as possible. The adoption of the proposition would in no way assail the spiritual efficiency of the Church in Ireland; its only effect would be, to assail the immoderate endowments of that Church. As far as its spiritual efficiency went, it would be left as it was, but it would be stripped of those worldly riches which, while they added nothing to its weight and influence, were the cause of the distress and impoverishment of the whole of the Irish population. He could not concur with those who sought to identify the case of the two Churches of England and Ireland. Those who sought to do this would degrade the one Church, without elevating the other. The two Churches were not only not the same, but they were opposite in spirit and in principle. What was the great argument in support of the Church of England, and of that connexion with the State which gave it exclusively the temporalities which the State had to bestow? Was it not that it was the religion of the great majority of the people? Could the Established Church of Ireland be defended on the same principle? It was not necessary for him to remind the House, that when lands and other temporalities were set apart for religious worship, it was for the support of one form of worship, in which all were united in one common Church. Diversity of creeds was then unknown; at least those who might dissent were not acknowledged as a public body, and were obliged to keep their dissent carefully concealed. In the sixteenth century this unity of opinion and worship was broken up. What then became of the temporalities of the Church? In those states where the change of religion was great, as in England, the temporalities were, in some cases, taken by the Government, and applied to secular purposes; but the greater portion were given to that sect of which the majority of the people were members. There was only one case in Europe in which the temporalities did not go to the majority, but to a small minority of the people, and that was in Ireland. To the honour of Europe be it said, there was no other instance in which a similar application of Church property, had been made. And that application, in Ireland, was a departure from reason and justice, and unsupported by any historical precedent. He felt persuaded that no great doubts existed of the Church Establishment of Ireland being exorbitant as compared with the wants of the Protestant population of that country. Where could such an establishment find its parallel in Europe? Take the case of France even under the bigoted reign of Charles 10th. From the account laid before the Chamber by the minister of public instruction in 1828, it appeared, that the whole expenditure of the Church Establishment of that country, including all the pomp and splendour of Catholic worship, did not exceed 33,200,000 francs for a population exceeding 32,000,000. That was, that the religious worship of all France cost the State little more than one franc per head, or, in our coin, something less than 1*s.* per head. Now, compare this with the Church revenue of Ireland; that amounted to an income of about 900,000*l.* for a population of about 600,000 persons,—*i. e.* about 1*l.* 10*s.* per head; being more than thirty times as great in proportion as the expenditure of France for a similar purpose! But if the cheapness of foreign countries and their different modes of living made the comparison with Ireland not a fair one, let them compare it with the expenditure of England, and they would see the vast disproportion between the two, compared with the Protestant population of each. He would not dwell on the case of Scotland, which had been so ably put by his hon. friend, further than to say, that those who contended that the Church Establishment of Ireland was not too great, must admit, that the exemplary and active clergymen of Scotland were starved in their vocation. There were some who, admitting the magnitude of the Irish Church Establishment, were still prepared to contend that the State had no right to touch it, or to apply it to other than religious purposes. He was not able to find out on what ground the sovereignty of the Legislature was to be limited in this respect more than in any thing else in which the public interests were concerned. He might find in such writers as Bossuet or other able defenders of the Catholic faith, a consistency in arguing that the State had no right to touch Church temporalities, but he could not think that there was any consistency in a Protestant—in a defender of the principles of the Reformation—in maintaining such an argument, because every Protestant must be aware, that, in the progress of the Reformation, Church property had been violated—that was, had been applied to purposes different from those to which it had been originally intended. He concurred, therefore, with his hon. friend in the opinion that the power of Parliament was not limited in that respect, and that the present Parliament had as much right to modify as any former Parliament had to enact the grant of such temporalities. Where bargains had been made with individuals, or where individuals had an interest in the property, he would not disturb them. He thought that his hon. friend had made out a strong case in support of his Motion, by the great poverty of the mass of the Irish people, and by the perpetual recurrence of religious and political disunions, arising from the collection of these revenues. His case was made out, too, by the constant hostility evinced to the Protestant Church. But it was not alone the mode of collection, the amount collected, nor even the hostility of those who professed a different religion, so much as this, that the establishment was a monument of Protestant ascendancy and an insult to every Catholic. Let the Church be reduced to its proper dimensions, and much of these grounds of objection would be removed. If the Legislature attempted to continue that establishment in its present magnitude the Legislature would share in its unpopularity, and it was to be expected that the whole Protestant Establishment would fail amidst multiplied peril and multiplied calamity. The Protestant Establishment in Ireland was considered a grievance upheld only by the irresistible influence of English connexion; and when the Irish peasant paid his tithe he was led to look upon it as the result of that connexion. If, then, the House looked to the permanence of English connexion with Ireland, it should limit the Irish Church Establishment within proper boundaries, those boundaries to be measured by the wants of the Protestant population of the country. In the late discussions on the subject of the Union with Ireland, he had listened with pleasure to the powerful arguments which had been urged in support of the continuance of that connexion which now subsisted between the two countries. He had heard most convincing arguments urged in favour of the advantages which must result from it to both countries. He had heard most of the arguments on the other side completely answered; but when the advocates for the Repeal of the Union put forward the evils which arose from the Irish Church Establishment, no man replied to them. When the magnanimity of England in her conduct to Scotland, as compared with her conduct to Ireland, with regard to their respective Churches, was urged, no man replied to them, and why? Because no reasonable answer could be given to such objections. The first step towards the reform of an abuse was to lay down a good principle—such a principle was laid down in this Motion, and, as a first step, he earnestly hoped that the House would concur in it.

Lord *Althorp*: Since my hon. friend who rose to support this Motion, commenced his address, circumstances have come to my knowledge which induce me to move, that the further debate upon this subject be adjourned to Monday next. I cannot now state what those circumstances are; but I hope the House has sufficient confidence in me [The noble Lord was interrupted by loud and long continued cheering, from all parts of the House.] I hope, I repeat, that the House will have sufficient confidence in me to believe, that I would not make such a proposition unless I were convinced of its propriety. I now move, that the further debate on this Motion be adjourned to Monday next.

This Motion was carried.

The noble Lord moved, that the House at its rising do adjourn to Monday next. Agreed to.

END OF VOL. XXIII.—THIRD SERIES,

AND OF

THIRD VOL. OF SESS. 1834.

GENERAL INDEXES

TO

VOL. XXI., XXII., XXIII., *(THIRD SERIES)* SESSION 1834.

OF

HANSARD'S PARLIAMENTARY DEBATES.

(A.) SUBJECTS OF DEBATES.

Nº I. HOUSE of LORDS.—Nº II. HOUSE of COMMONS.

Nº I. DEBATES—LORDS.

ADDRESS in Answer to the Speech, vol. xxi. 5. Answer thereto, 149.—In relation to the Union with Ireland, xxiii. 297, 367
Agricultural Distress, xxiii. 884
Anglesey, Marquess of, his Letter, xxiii, 410

Beer, Sale of, xxii. 762, 1078

Cambridge University, xxii. 497, 979
Catholic Peers, xxi. 1186
Campbell, Sir John, xxiii. 588, 1351
Chancery, Court of (Ireland), xxiii. 767
Church Reform, xxiii. 1102
Clergy, the Irish, xxiii. 1099
Conferences, xxiii. 294
Corn Laws, xxiii. 405, 1354
Corporations, Municipal (*see* Address), xxi. 1036
County Rates (Committee), xxi. 754
Criminal (Central) Court, xxii. 666, 766.—xxiii. 201

Dawson, Mr., Case of, xxi. 631
Dissenters, xxi. 992.—xxii. 664.—xxiii. 843, 1181.—Admission of to Universities, xxii. 497, 979.—xxiii. 360
Down, Deanery of, xxiii. 768

Ecclesiastical Commission, xxiii. 409
Education, Progress of, xxii, 843
Entails (Scotland), xxii. 564.—xxiii. 885
Exchequer Receipts, xxii. 1083

Fees of the House, xxii. 1287
Festival at Westminster Abbey, xxii. 930.—xxiii. 415
Foreign Affairs, xxi. 204

Hertford Borough, xxii. 1284
Holland (*see* Address)

Impressment, xxi. 992
Inclosures (Committee), xxi. 203

Jewish Disabilities, xxi. 990
Judgments in Execution, xxi. 1189.—xxii. 359

King's Speech, xxi. 1, 204

Law, Report on the Common, xxii. 481
Liverpool Freemen, xxii. 496.—xxiii. 368
London, University of, xxi. 1036

Non-residence, xxiii. 1103, 1250

Oude, Affairs of, xxiii. 358, 476

Parliamentary Printing, xxii. 1082
Physicians, College of, xxii. 122
Pluralities, xxi. 631.—xxiii. 1103, 1250
Poor Laws (*see* Address), xxi. 631,—xxiii. 588
Portugal (*see* Address)
Privilege, Breach of, case of the 'Morning Post,' xxiii. 950
Proxies, xxi. 990

Roe, Mr. Radford, xxii. 1287
Russian Ambassador, xxiii. 1350

Sabbath, Observance of, Petitions, xxii. 1374.—xxiii, 357, 473. Lord Wynford's Bill in relation to, xxxiii. 1006
Saint Botolph, Bishopsgate, xxi. 1189
Smuggling Prevention, xxii. 931, 1087

Tithes, xxi. 1189
Tithe Suits, xxiii. 1180
Trades' Unions, xxiii, 59
Turkey (*see* Address)

Union with Ireland, Repeal of, xxiii. 294, 297, 367
Unstamped Publications, xxii. 1286

Warwick Borough, xxii. 355.—xxiii. 103, 778, 859, 950, 1098, 1272, 1359

Nº II. DEBATES—COMMONS.

Address in Answer to the King's Speech, xxi. 33. Answer thereto, 150.—In relation to the Union with Ireland, xxiii. 164, 382
Agricultural Distress (*see* Address), xxi. 540, 649, 864
All-Hallows, Parish of, xxi. 560
Allotment System, xxi. 789
Althorp, Lord, Dispute of with Mr. Sheil, xxi. 119, 146, 150
Army Estimates, xxi. 963, 1002, 1367
Arson, xxiii. 1035
Assessed Taxes Petition, xxi. 264

Bath, Order of, xxii. 872, 949
Beer, Sale of, xxii. 1159.—Bill to amend the Act for the, xxiii. 291, 1110
Bishops, Motion to exclude them from the House of Peers, xxii. 131
Bode, Baron de, xxiii. 397, 1248
Brighton Guardian, Case of, xxi. 635, 1115
Bribery at Elections, xxii. 610
Buckingham Borough, xxii. 722
Bucklebury Inclosure, xxiii. 748
Budget, xxi. 360
Burgess, Mr., Case of, xxi. 961
Cabriolets, xxii. 153
Call of the House, xxii. 78
Canada, xxii. 767
Capital Punishments, xxii. 719
Catholic Marriages (Scotland), xxii. 99
Catholic Members, Oath of, xxii. 15
Catholics, Admission to Trinity College, xxiii. 761
Carrickfergus, Disfranchisement of, xxi. 211, 1155
Chancery, Court of, xxiii. 1139
Channel (English) Harbours, xxiii. 1088
Christ Church (Surrey) Rectory, xxiii. 860
Church Rates, xxii. 381, 1012
Church and State, Separation of, xxi. 1192—xxiii. 757
Church of Ireland, xxiii. 1368
Church Patronage (Scotland), xxi. 205, 926.—xxii. 9
Civil Offices—Pensions, xxiii. 867
Clergy, the, in the House of Commons, xxiii. 759
Committees, Reports of, xxii. 712
Consular Department, xxii. 738
Coopers, Combination of, xxi. 1365.—xxii. 157
Corn Laws, Petitions, xxi. 1105.—xxii. 868.—xxiii. 3.—Motion to appoint a Committee to revise them, xxi. 1195, 1266
Coroners, County, xxi. 557
Coventry Election, xxii, 425
County Gaols, xxii. 220
County Rates, xxi. 1349
Criminal (Central) Courts, xxxiii. 878

Danish Claims, xxiii. 1135
Dawson, Mr., Case of, xxi. 560
Death, Punishment of, xxiii. 937
Debates, Reports of, xxiii. 1228
Debts (Ireland), Courts for recovering small, xxiii. 678

INDEX.

Dissenters, Grievances of, Petitions, xxii. 523, 994.—xxii. 2, 569, 623, 674, 1009.—xxiii. 506, 610, 1365.—Marriages, Bill to regulate, xxi. 776, 1400.—Bill to admit to Universities, xxii. 900
Distress (Ireland) Petition, xxii. 81
Distress for Rent, xxi. 628
Divisions, Means of taking, xxi. 239
Dorchester Labourers, xxii. 725, 733, 860, 938.—xxiii. 114, 312
Down and Raphoe, Deaneries of, xxii. 64, 598
Drunkenness, xxiii. 1362
Dublin Corporation, xxi. 764
Dundas, Mr., Case of, xxi. 999.—xxii. 192

Education (Ireland) xxiii. 403
Election Expenses, xxi. 227
Elections, Bribery at, Bill to prevent, xxi. 1057, 1390
Emigration Agents, xxii. 963
Equitable Apportionments, xxi. 555
Escheats to the Crown, xxi. 246
Exchequer, Auditor of the, xxi. 251.—Receipt Bill, xxii. 193, 561, 649

Fairs and Markets, xxii. 61
Felons, Property of, xxi. 863.—xxii. 714
Financial Statement, xxi. 360
Fisheries (Irish), xxii. 190. (The Channel), 647
Flogging, Army, xxii. 221
Foreign Affairs (*see* Address)
Foreign Enlistment Act, xxii. 1368
Four-per-Cents, xxiii. 805
Free Trade, xxii. 433, 522

Game Laws, xxii. 898
Glasgow Lottery, xxi. 252.—xxii. 401

Hand-loom Weavers, xxiii. 1090
Hertford, Borough of, xxii. 83, 452, 1063
Hill, Mr., Case of, xxi. 119
House of Commons, Business of the, xxi. 956
House Tax (*see* Address), xxi. 360, 451

Impressment of Seamen, xxi. 1063
Imprisonment for Debt, xxiii. 1223
Inns of Court, xxiii. 893
Irish Estimates, xxii. 965
Irish Members, Character of, xxi. 119, 146, 150

Jews, Bill to relieve the, xxii. 1372.—xxiii. 1158, 1349
Judges' Rules, xxi. 210.—Salaries, (Scotland), xxiii. 680
Juries (Ireland), xxi. 1054.—xxiii. 879
Justice, the Chief, Salary of, xxii. 962
Justices of the Peace, xxi. 238

Kilmainham Hospital, xxiii. 421

Labourers, Employment of, xxii. 645
Labour rate, Petitions, xxiii. 307
Lay Patronage (Scotland), xxi. 868
Leamington Priors, xxi. 834.—xxii. 118, 181,
Leopold, Prince, his Annuity, xxi. 213
Libel Law, xxi. 468, 635, 1115.—xxii. 410
Licences, Spirit (Scotland), xxi. 1262
Liverpool, Disfranchisement of Freemen of, xxi. 846.—xxii. 104, 468
Local Courts, xxi. 210
Lotteries, xxi. 252

Malt-Tax, Petition, xxi. 540, 569, 864. Motions for the Repeal of, 876.—xxii. 284
Manufactures, Prosperity of (*see* Address)
Maynooth College, xxii. 968
Meal, foreign, xxii. 368.
Medical Profession, xxi. 233
Merchant Seamen, xxii. 1371.—xxiii. 1146
Mesne Process, xxiii. 1223
Middlesex Sessions, xxii. 616
Millbank Penitentiary, xxii. 738
Military Expenditure, xxi. 961
Militia, xxi. 165
Miscellaneous Estimates, xxii. 738, 963
Murderers, Hanging in Chains, xxii. 255

National Debt, Motion concerning, xxi. 959
National Gallery, xxii. 738
Navy Estimates, xxi. 424
Newspapers, Stamps on, xxiii. 1193

Oaths, xxi. 1153.—xxii. 15.
Omnibuses, xxii. 153
Ordnance Estimates, xii. 543, 605

Paupers, Passing of, xxi. 256
Pension List, xxi. 480.—xxiii. 514
Pilot Newspaper, Prosecution of the, xxi. 791.—xxii. 179
Pluralities, xxi. 560
Police, Metropolitan, xxii. 125
Polish Exiles, xxii. 560, 651
Poor Laws, plan for Amending, xxii. 874.—xxiii. 952, 1276, 1320
Portugal, Trade with, xxiii. 785. Treaty with, 1108
Post Office in the North American Colonies, xxi. 629.—General Delivery, xxiii. 741

Privilege, Breach of, xxi. 119, 146, 150, 168. Committee of, 249, 349, 397.—xxii. 118, 181
Procurators Fiscal, xxi. 940

Registering Barristers, xxii. 738
Registry of Deeds, xxiii. 696. Of Births, &c. xxiii. 940
Religious Assemblies, xxiii. 1003
Riband Weavers, xxiii. 1273
Rippon, Borough of, xxiii. 1
Ross, Captain, Remuneration of, xxi. 1363.—xxii. 349
Russian and Turkish Treaties, xxii. 307

Sabbath, Bills for the Observance of, xxii. 54.—xxiii. 314, 587, 746, 1176, 1179
Septennial Act, xxiii. 1036
Sheil, Mr., Case of, xxi. 119, 146, 150, 168, 349, 397
Skibbereen, State of, xxi. 830
Slavery Abolition Act, xxii. 280
Smith, Baron, Conduct of, xxi. 272, 695
Smuggling Act Amendment Bill, xxi. 827
South Sea Company, xxii. 637
Stafford, Borough of, Bill to Disfranchise, xxi. 236, 1172.—xxii. 449
Steam Carriages, xxiii. 203
Sugar Duties, xxi. 943
Supply, xxi. 424, 963, 1002, 1367.—xxii. 349, 543, 605, 738, 963
Tea Duties, xxii. 272, 360
Temporalities Act, Irish Church, xxiii. 422
Timber Duties, xxi. 1113
Tithes, Petitions, xxi. 253, 1038.—Commutation of, xxii. 818.—(Ireland) Petition, xxi. 413. Resolution for the Redemption of, xxii. 572.—Bill for, xxiii. 425, 622
Trades' Unions, xxii. 725, 733
Treasury, Lord of the, xxii. 863

Union, Repeal of the, Petitions, xxi. 352, 413, 455, 756, 830, 890.—xxiii. 694, 753, 1029.—Motion to appoint a Committee to inquire into its Effects, xxii. 1090, 1164, 1288.—xxiii. 5, 127, 207
Universities, Admission of Dissenters to, xxi. 874.—xxiii. 506, 779. Returns concerning, xxiii. 748

Vacating Seats on Acceptance of Office, xxiii. 382

Warwick, Borough of, xxi. 158, 836, 1177.—xxii. 79, 111
Weavers, Handloom, Petition, xxi. 1144
Western Rail-Road, xxi. 1352
Westminster Bank, xxiii. 686, 1305
Window Tax (*see* Address)
Worship in Private Houses, xxii. 873

Yeomanry, Expense of this Force, xxi. 165

(B).—MEMBERS WHO HAVE SPOKEN IN DEBATE:—

I.—HOUSE OF LORDS.

Aberdeen, Earl of, xxiii. 892
Auckland, Lord, xxii. 931, 936, 1087, 1089, 1090
—xxiii. 1025

Beresford, Viscount, xxiii. 606
Bexley, Lord, xxi. 991
—xxiii. 1106
Bute, Marquess of, xxiii. 1007

Canterbury, Archbishop of, xxi. 632
—xxiii. 358, 849, 856, 1191, 1251
Chancellor, Lord, xxi. 991, 1035, 1037, 1188, —xxii. 258, 269, 271, 481, 494, 513, 565, 664, 666, 762, 766, 843, 854, 989, 1003, 1004, 1005, 1006, 1007, 1285
—xxiii. 98, 201, 301, 358, 359, 367, 379, 418, 473, 498, 606, 778, 843, 855, 857, 859, 890, 951, 1010, 1021, 1022, 1025, 1098, 1099, 1102, 1103, 1180, 1181, 1250, 1256, 1265, 1266, 1268, 1269, 1271, 1360, 1361,
Clanricarde, Marquess of, xxii. 356, 359
—xxiii. 113, 608
Coventry, Earl of, xxiii. 884
Cumberland, Duke of, xxii. 522
—xxiii. 1263

Delawarr, Earl of, xxi. 1187
Denman, Lord, xxii. 1285
Derry, Bishop of, xxiii. 1102
Downshire, Marquess of, xxiii. 1099
Durham, Earl of, xxi. 631, 992, 993, 1035, 1036, 1189, 1191
—xxii. 122, 124, 125, 355, 357, 358, 497, 518
—xxiii. 104, 108, 381, 778, 859, 951, 1359, 1361
Durham, Bishop of, xxii. 1007

Eldon, Earl of, xxiii. 96, 368
Ellenborough, Lord, xxi. 203, 990
—xxii. 124, 125, 257, 267, 271, 493, 497, 511, 765
—xxiii. 358, 359, 360, 470, 498, 504
Exeter, Bishop of, xxii. 997, 1006
—xxiii. 1024, 1190

Fitzwilliam, Earl of, xxiii. 405, 406, 408, 409, 854, 856, 1185, 1186, 1187, 1190, 1354

Gloucester, Duke of, xxii. 979, 1008
Gloucester, Bishop of, xxii. 995
Grey, Earl, xxi. 16, 28, 285, 992
—xxii. 358, 497, 510, 930, 936, 984, 1083, 1287
—xxiii. 295, 411, 594, 603, 604, 606, 776, 1351, 1352, 1353

Haddington, Earl of, xxiii. 856
Hamilton, Duke of, xxii, 567
—xxiii. 889
Harrowby, Earl of, xxiii. 1250, 1269
Holland, Lord, xxiii. 609
Howard, Lord, of Effingham, xxi. 8

Kenyon, Lord, xxii. 764, 1081
—xxiii. 1185, 1188

Lansdown, Marquess of, xxii. 1082
—xxiii. 295, 381, 1102, 1265
London, Bishop of, xxi. 1189
—xxii. 765, 994
—xxiii. 409, 417, 475, 858, 1018, 1189
Londonderry, Marquess of, xxii. 1007
—xxiii. 96, 505, 588, 608, 1350, 1351, 1353
Lyndhurst, Lord, xxii. 1287

Malmesbury, Earl of, xxii. 852, 930, 931, 1079, 1284
—xxiii. 405, 407, 416, 1250, 1262, 1357
Mansfield, Earl of, xxiii. 888
Melbourne, Viscount, xxi. 631
—xxii. 124, 765, 1081, 1286
—xxiii. 95
Melville, Viscount, xxiii. 893

Newcastle, Duke of, xxii. 930
—xxxiii. 95, 103, 415
Norfolk, Duke of, xxi. 1186

Plunkett, Lord, xxiii. 502, 767, 768, 1022

Radnor, Earl of, xxii. 496
—xxiii. 368, 375, 609, 1024, 1098, 1107
Richmond, Duke of, xxi. 754
—xxii. 951, 1004
—xxiii. 376, 410, 607
Ripon, Earl of, xxiii, 408
Rosebery, Earl of, xxii. 564, 569
—xxiii. 885
Rosslyn, Earl of, xxii. 569

Salisbury, Marquess of, xxii. 356, 496, 1003
—xxiii. 113, 379
Sondes, Lord, xxiii. 1180
Strangford, Viscount, xxi. 204
—xxii. 1087, 1089
Suffield, Lord, xxii. 764, 1078, 1081, 1374
Sutherland, Duke of, xxi. 5
—xxii. 931, 937

Wellington, Duke of, xxi. 9, 28, 33
—xxii. 508, 510, 936, 988, 993, 1005, 1006, 1089
—xxiii. 305, 407, 500, 601, 859, 1099, 1186, 1263, 1265, 1266
Westmeath, Marquess of, xxii. 359
—xxiii. 306
Westminster, Marquess of, xxi. 990, 991
Wharncliffe, Lord, xxiii. 369, 381, 1271, 1272
Wicklow, Earl of, xxiii. 472, 608, 1023, 1026, 1100, 1267
Winchilsea, Earl of, xxii. 1080, 1286
—xxiii. 112, 360, 378, 410, 414, 1191, 1268
Wynford, Lord, xxi. 755, 1187
—xxii. 267, 355, 356, 357, 359, 496, 497, 566, 762, 766, 852, 859, 1004, 1080
—xxiii. 103, 104, 202, 358, 377, 603, 604, 606, 1007, 1018, 1021, 1022, 1023, 1024, 1107, 1360

II.—HOUSE OF COMMONS.

Abercromby, Mr., xxi. 140, 408, 1196
—xxii. 119, 120, 186
—xxiii. 861
Advocate, The Lord, xxi. 927
Aglionby, Mr., xxi. 820, 1168, 1381
—xxii. 59, 107, 121, 354, 614, 718, 900, 949
—xxiii. 122, 290, 513, 746, 864, 875, 1005, 1295
Agnew, Sir Andrew, xxii. p. 54, 61
—xxiii. 355
Althorp, Lord, xxi. 70, 114, 121, 122, 126, 130, 136, 144, 145, 210, 218, 233, 238, 243, 248, 252, 325, 360, 377, 390, 401, 411, 451,

452, 464, 479, 493, 545, 660, 750, 775, 813, 814, 826, 912, 943, 947, 948, 957, 960, 1007, 1032, 1057, 1106, 1114, 1136, 1328, 1349, 1350, 1364, 1398, 1399
—xxii. 24, 142, 154, 172, 219, 275, 280, 292, 352, 388, 409, 424, 761, 818, 828, 829, 834, 835, 841, 874, 897, 900, 1012, 1057, 1370
—xxiii. 34, 251, 253, 289, 290, 292, 394, 401, 402, 424, 462, 536, 544, 620, 672, 688, 760, 785, 802, 804, 807, 838, 875, 876, 911, 934, 949, 957, 969, 971, 973, 977, 978, 983, 985, 994, 1001, 1036, 1060, 1129, 1137, 1138, 1156, 1210, 1230, 1249, 1283, 1287, 1289, 1293, 1298, 1299, 1302, 1318, 1320, 1337, 1341, 1342, 1344, 1346, 1347, 1348, 1349, 1400

Attwood, Mr. Thomas, xxi. 445, 446, 571, 1010, 1018
—xxii. 176, 300, 538, 657, 870, 874
—xxiii. 1337

Attwood, Mr. Matthias, xxi. 1010
—xxii. 212, 216

Baines, Mr., xxi. 1146, 1197, 1399
—xxii. 5, 171, 395, 475, 476, 628, 735, 927, 1056
—xxiii. 2, 783, 784, 1003, 1289, 1290

Baldwin, Mr., xxii. 968, 974
—xxiii. 197

Baring, Mr., xxi. 105, 340, 342, 664, 841, 868, 905, 952, 1049, 1307, 1324, 1345
—xxii. 828, 897
—xxiii. 693, 760, 792, 804, 805, 893, 1110, 1132, 1225, 1249

Baring, Mr. Francis, xxiii. 874

Barron, Mr., xxi. 262, 346, 622, 775, 825
—xxii. 1361
—xxiii. 402, 405, 668

Bateson, Sir Robert, xxiii. 158

Beauclerk, Major, xxi. 450, 643, 986, 1142
—xxii. 129, 604, 605, 734, 760, 938, 1162
—xxiii. 667, 860, 875, 970

Bellew, Mr., xxi. 606

Benett, Mr., xxi. 253, 391, 602, 605, 671, 846, 860, 890, 1050, 1340
—xxii. 106, 115, 431, 469, 480, 489
—xxiii. 837, 999

Bethell, Mr., xxii. 475

Bentinck, Lord George, xxii. 108, 470

Berkeley, Mr. Craven, xxii. 733, 737

Bernal, Mr., xxi. 1034, 1183, 1184, 1377
—xxii. 83, 459, 463, 955, 1076
—xxiii. 761, 1340

Bish, Mr., xxii. 404

Blackstone, Mr., xxiii. 1034

Blamire, Mr., xxii. 839

Blackney, Mr., xxii. 1163
—xxiii. 464

Blunt, Sir Charles, xxi. 1136

Bolling, Mr., xxi. 1145

Briscoe, Mr., xxi. 265
—xxii. 395

Brocklehurst, Mr., xxii. 637, 640

Brodie, Mr., xxi. 1371

Brotherton, Mr., xxi. 550, 1337
—xxii. 436, 977
—xxiii. 1364

Brougham, Mr. William, xxiii. 696, 713, 738, 940

Brown, Mr. John, xxi. 763
—xxiii. 9

Browne, Mr. Dominick, xxiii. 450

Bruce, Major Cumming, xxi. 730, 1265
—xxii. 102, 304
—xxiii. 1158, 1349

Buckingham, Mr., xxi. 784, 1063, 1107
—xxii. 144, 243, 368, 1372
—xxiii. 1048, 1124, 1174, 1218, 1244, 1362

Buller, Mr. Edward, xxi. 830, 1160, 1175
—xxii. 451
—xxiii. 827, 974, 978

Buller, Mr. Charles, xxi. 1130
—xxiii. 782, 1341

Bulteel, Mr., xxi. 1041

Bulwer, Mr. Henry Lytton, xxi. 1150
—xxii. 46, 91, 118, 216, 317, 429, 724, 727, 729
—xxiii. 1274

Bulwer, Mr. Edward Lytton, xxii. 891
—xxiii. 118, 316, 386, 1080, 1173, 1222

Burdett, Sir Francis, xxi. 132, 137, 142, 144, 146, 1149
—xxiii. 666, 693, 822

Burrell, Sir Charles, xxi. 552, 635, 645, 1139, 1363
—xxii. 489, 645, 734, 869, 898, 1159
—xxiii. 311, 1133, 1303

Butler, Colonel, xxiii. 753

Buxton, Mr. Fowell, xxii. 61, 280
—xxiii. 871

Byng, Sir John, xxi. 1019, 1031, 1161, 1165
—xxii. 249

Byng, Mr., xxii. 617
—xxiii. 550

Callaghan, xxiii. 127

Calvert, Mr. Nicholson, xxii. 88

Carew, Mr., xxiii. 430, 470

Carter, Mr. Bonham, xxiii. 1342

Cartwright, Mr., xxi. 673
—xxiii. 3

Cayley, Mr., xxi. 673, 1197
—xxii. 130, 436, 868
—xxiii. 207, 693, 705, 713, 1248, 1284, 1290

Cayley, Sir George, xxiii. 206

Chandos, Marquess of, xxi. 385, 649, 865, 888, 1355
—xxii. 1159
—xxiii. 5

Chapman, Mr. Aaron, xxi. 437
—xxii. 353
Chaytor, Sir William, xxi. 1042
—xxiii. 1081
Chetwynd, Mr., xxi. 238, 1173
Chichester, Mr. John P. B., xxii. 55, 230
Childers, Mr., xxii. 296
—xxiii. 3
Christmas, Mr., xxi. 334, 623
Clay, Mr., xxi. 671, 904, 1255
—xxii. 93, 125, 758, 868, 869
—xxiii. 224, 686, 821, 1285, 1302, 1305, 1318, 1345
Clements, Lord, xxii. 970
—xxiii. 437, 450
Cobbett, Mr., xxi. 96, 108, 221, 354, 370, 402, 424, 430, 448, 449, 450, 451, 604, 668, 901, 956, 961, 963, 1003, 1008, 1010, 1018, 1033, 1034, 1153, 1364, 1372, 1375, 1379, 1381, 1382
—xxii. 48, 284, 525, 556, 603, 607, 621, 625, 640, 647
—xxiii. 1319, 1335, 1363
Codrington, Sir Edward, xxi. 445, 524, 828, 1094, 1098
—xxii. 254, 348, 353, 957
—xxiii. 1041, 1120, 1248
Colborne, Mr. Ridley, xxiii. 1129
Colquhoun, Mr., xxi. 935
Conolly, Colonel, xxi. 938, 1360
—xxii. 70
—xxiii. 420, 437, 675
Copeland, Alderman, xxiii. 1228
Crawford, Mr., xxii. 272, 378
Cripps, Mr., xxi. 557
—xxii. 896
Crompton, Mr., xxiii. 2
Curteis, Captain, xxi. 648
—xxii. 255
Curteis, Mr. H. B., xxi. 1054, 1141
—xxii. 294, 410
—xxiii. 746, 752

Dalmeny, Lord, xxiii. 1045
Dare, Mr. Hall, xxi. 864
Darlington, Earl of, xxi. 1271, 1277
—xxiii. 861, 1034, 1290
Davies, Colonel, xxi. 448, 602, 891, 948, 961, 989, 1007, 1008, 1022, 1369, 1381
—xxii. 77, 330, 958
—xxiii. 392, 432, 861, 867, 873, 1042, 1238, 1286
Divett, Mr., xxi. 500, 1046
—xxii. 381, 401
Donkin, Sir Rufane, xxi. 1028
Dugdale, Mr., xxiii. 1275
Duncombe, Mr., xxi. 393, 1153, 1338
—xxiii. 728
Dundas, Captain, xxi. 1363, 1379
Eastnor, Lord, xxi. 834, 844, 1185
—xxii. 186
Ebrington, Lord, xxi. 501, 1027, 1038, 1054, 1372, 1377, 1379, 1380
—xxiii. 677, 1081, 1121
Ellice, Mr., xxi. 166, 863, 963, 1002, 1009, 1015, 1017, 1018, 1019, 1022, 1030, 1033, 1034, 1035, 1367, 1373, 1376, 1378, 1379, 1381, 1382, 1383, 1388
—xxii. 221, 250
—xxiii. 420
Elliot, Captain, xxi. 1098, 1105
Estcourt, Mr., xxi. 783
—xxii. 620, 836, 896, 904, 1161
—xxiii. 779, 784, 863
Evans, Mr. William, xxiii. 513, 861
Evans, Colonel, xxi. 49, 131, 184, 223, 231, 269, 392, 672, 891, 985
—xxii. 7, 58, 127, 218, 253, 330, 619, 651, 724, 731, 738, 754, 760, 863, 947, 1063, 1076, 1183
—xxiii. 106, 126, 293, 343, 422, 619, 752, 785, 802, 805, 978, 1082, 1246, 1288, 1298, 1341
Ewart, Mr., xxi. 788, 945, 1286
—xxii. 152, 157, 433, 541, 719, 743, 746, 748, 752, 756, 760
—xxiii. 398, 993, 1047, 1155, 1220, 1282
Ewing, Mr., xxi. 868, 1196
—xxiii. 758

Faithfull, Mr., xxi. 788
Fancourt, Major, xxii. 121
Ferguson, Sir Ronald, xxi. 158, 160, 836, 1177, 1178, 1180, 1182
—xxii. 80, 713
—xxiii. 396
Fergusson, Mr. Cutlar, xxi. 254, 385, 388, 404, 436, 610, 680, 763, 871, 872, 931, 944, 949, 1031, 1033, 1330, 1336, 1364
—xxii. 49, 297, 346, 347, 349, 354, 962, 972, 977, 1051
—xxiii. 164, 662, 734, 914, 975, 1000, 1227, 1239
Fielden, Mr., xxi. 1150
Finch, Mr., xxi. 414, 553, 757, 873, 998
—xxii. 482, 840, 948, 1368
—xxiii. 510, 744, 861, 1003
Finn, Mr., xxi. 115, 254, 259, 328, 356, 403, 417, 456, 570, 759, 829
—xxiii. 121, 146, 289, 420, 431, 756
Fitzgerald, Mr., xxi. 624
—xxiii. 640
Fleetwood, Mr. Hesketh, xxi. 98, 479, 857, 1147
—xxiii. 587, 1176
Fleming, Admiral, xxi. 1102
Foster, Mr., xxi. 1177
—xxiii. 782
Freemantle, Sir Thomas, xxi. 236, 447, 1172, 1359

—xxii. 450, 723, 752, 840, 895
—xxiii. 4, 694, 1297, 1316, 1348
French, Mr., xxii. 966
Fryer, Mr., xxi. 664, 1174, 1324
—xxii. 170, 839

Gaskell, Mr. Milnes, xxiii. 1034
Gillon, Mr., xxi. 225, 234, 871, 874, 936, 1147, 1192, 1262, 1371
—xxii. 137, 977, 1054
—xxiii. 512, 611, 683, 759, 1097
Gisborne, Mr., xxi. 445, 790, 892, 989, 1362
—xxii. 62, 1022
—xxiii. 343, 353, 610, 692
Gladstone, Mr. Ewart, xxi. 955
—xxii. 108, 115, 474
—xxiii. 588
Gladstone, Mr. Thomas, xxi. 860
Godson, Mr., xxiii. 119, 879, 883, 953, 981, 1340, 1344
Gordon, Captain William, xxi. 928, 942
Goring, Mr., xxi. 649, 1132
—xxii. 1163
Goulburn, Mr., xxi. 1180, 1181, 1183
—xxii. 64, 78, 216, 218, 330, 393, 479, 587, 603, 634, 648, 650, 911, 913, 1009
—xxiii. 349, 422, 451, 506, 864
Graham, Sir James, xxi. 334, 425, 434, 441, 446, 449, 450, 827, 828, 952, 1080, 1102, 1223, 1229, 1342, 1366
—xxii. 161, 193, 194, 208, 210, 213, 219, 220, 353, 362, 563, 648, 649, 651, 727, 731, 1371, 1372
—xxiii. 868, 869, 875, 877, 878, 1089, 1148, 1156
Grant, Mr. Robert, xxii. 177, 231, 1372
—xxiii. 1175
Grant, Mr. Charles, xxii. 216, 380
Grattan, Mr. Henry, xxi. 77, 124, 187, 458, 599, 615
—xxiii. 16, 420, 444
Greene, Mr., xxii. 829
Grey, Sir George, xxi. 783
—xxii. 254, 429
Grosvenor, Earl, xxi. 1370
Grosvenor, Lord Robert, xxiii. 737
Grote, Mr., xxi. 249, 560, 566
—xxii. 157, 367, 754, 761
—xxiii. 349, 812, 1221, 1296, 1397
Guest, Mr., xxi. 451, 1009, 1033

Halcombe, Mr., xxi. 140, 158, 160, 212, 237, 447, 538, 839, 845, 1158, 1161, 1172, 1177, 1178, 1181, 1183, 1184
—xxii. 79, 80, 91, 182, 185, 425, 430, 452, 610, 648, 712, 713
—xxiii. 336, 914, 975, 977, 999, 1088, 1345
Hall, Mr., xxi. 218
—xxii. 387
—xiii. 329, 860
Handley, Mr. Henry, xxi. 850, 1329
Hanmer, Sir John, xxi. 836, 839
Hardinge, Sir Henry, xxi. 139, 410, 411, 986, 1005, 1008, 1010, 1017, 1018, 1023, 1373, 1374, 1375, 1376, 1378, 1379, 1381, 1386, 1388
—xxii. 94, 130, 354, 464, 961, 1075
—xxiii. 126, 877
Hardy, Mr., xxi. 138, 164, 226, 263, 357, 539, 555, 568, 1057, 1147
—xxii. 60, 98, 610, 611, 728, 734, 873, 874, 893
—xxiii. 121, 746, 1004, 1006, 1307, 1349
Harvey, Mr., xxi. 232, 233, 245, 332, 395, 480, 540, 550, 865, 997, 1052
—xxii. 3, 147, 529, 830, 1039
—xxiii. 312, 514, 581, 923, 936
Hawes, Mr., xxi. 243
—xxii. 130, 255, 364, 760
—xxiii. 837, 862, 1285, 1301
Hawkins, Mr., xxi. 1123
—xxiii. 551
Hay, Colonel Leith, xxi. 136, 404, 412, 929, 1169
Heathcote, Mr. Gilbert, xxi. 1249
—xxiii. 5, 704, 1004, 1120
Henniker, Lord, xxi. 549
—xxii. 537
Herries, Mr., xxii. 561, 563, 650
—xxiii. 1312
Heron, Sir Robert, xxiii. 382
Hill, Mr., xxi. 127, 142, 148, 178, 191, 192
—xxii. 926, 1163
—xxiii. 126, 397, 782, 863, 910, 911, 1036, 1079, 1213
Hodges, Mr., xxi. 554
—xxiii. 1285, 1286, 1287, 1289, 1299
Hodgson, Mr., xxi. 857, 1132
—xxii. 104, 115
Hope, Sir Alexander, xxiii. 422
Horne, Sir William, xxii. 423
—xxiii. 733, 1342
Howard, Mr. Philip, xxii. 51, 61, 722
Howick, Lord, xxi. 238, 672, 1118, 1340
—xxii. 126, 720, 753, 815, 940, 948, 1163
—xxiii. 292, 940, 1004, 1115, 1344
Hudson, Mr., xxii. 60
Hughes, Mr. Hughes, xxi. 336, 1134, 1183, 1184
879, 1001, 1005, 1029, 1286, 1287
—xxii. 181, 186, 617, 623, 718, 722, 725, 732
—xxiii. 587, 744, 745, 747, 748, 752, 864, 879, 1001, 1005, 1029, 1286, 1287
Hume, Mr., xxi. 60, 83, 122, 147, 148, 165, 225, 227, 233, 236, 239, 244, 251, 335, 379, 388, 429, 442, 450, 451, 452, 502, 630, 775, 779, 814, 828, 918, 958, 961, 975, 1012, 1018, 1021, 1033, 1034, 1104, 1197, 1229, 1265, 1341, 1342, 1365, 1368, 1372, 1374, 1382, 1385
—xxii. 74, 75, 1 50, 1541, 57, 210, 211, 219

255, 365, 432, 446, 544, 713, 813, 835, 836, 871, 898, 899, 938, 951, 953, 955, 962, 965, 967, 1019, 1059, 1372
—xxiii. 114, 237, 243, 244, 287, 290, 292, 401, 424, 508, 545, 692, 831, 860, 1368

Hutt, Mr., xxi. 946, 1113, 1364
—xxii. 350, 606, 753, 759, 859
—xxiii. 505, 1148

Ingham, Mr., xxi. 1102
—xxiii. 782

Ingilby, Sir William, xxi. 876, 884, 924
—xxii. 142, 294

Inglis, Sir Robert, xxi. 131, 202, 252, 311, 322, 520, 564, 566, 621, 780, 884, 1185, 1398
—xxii. 35, 57, 351, 394, 401, 407, 410, 674, 750, 834, 920, 1024, 1369, 1373

James, Mr., xxi. 1168
—xxii. 144, 475, 1090
—xxiii. 270, 509, 1059, 1096

Jephson, Mr., xxi. 833, 834

Jervis, Mr., xxi. 239, 478
—xxii. 842, 962
—xxiii. 207, 212, 548, 987, 1345

Johnston, Mr. Andrew, xxi. 261, 414, 554, 872, 874, 998, 1194
—xxii. 50, 99, 973, 976, 1370
—xxiii. 352

Johnstone, Mr. Hope, xxi. 1264

Kemp, Mr., xxi. 1117

Kennedy, Mr. James, xxi. 538, 1054
—xxiii. 694

Kerrison, Sir Edward, xxii. 488

Kerry, Earl of, xxi. 1352

King, Mr. Bolton, xxi. 835

Knatchbull, Sir Edward, xxi. 659, 695, 700, 1171, 1197
—xxii. 220, 221, 433
—xxiii. 291, 293, 862, 1110, 1134

Labouchere, Mr., xxi. 441, 1358
—xxii. 168, 473

Lalor, Mr., xxi. 624
—xxiii. 257, 639

Lambert, Mr., xxi. 612, 679, 821
—xxii. 50, 83, 527
—xxiii. 29, 454

Langdale, Mr., xxi. 838, 1183, 1184
—xxii. 5, 26, 488

Lean, Mr., xxi. 569

Leech, Mr., xxii. 51

Lefevre, Mr. Charles Shaw, xxi. 33

Lefroy, Mr. xxii. 974
—xxiii. 440, 677, 766, 922

Lefroy, Mr. Anthony, xxiii. 674

Lennard, Mr., xxi. 874, 1365
—xxii. 58, 247, 629, 720, 898
—xxiii. 897, 913, 937

Lennox, Lord William, xxi. 360, 550, 571, 636, 1137
—xxii. 256
—xxiii. 743

Lennox, Lord George, xxi. 1127

Lewis, Mr. Frankland, xxii. 842
—xxiii. 960, 1005, 1303

Littleton, Mr. (Secretary for Ireland), xxi. 92, 116, 234, 283, 341, 572, 591, 761, 773, 795, 814, 815, 825, 1056, 1169, 1352, 1370, 1372, 1389
—xxii. 57, 71, 76, 155, 157, 180, 598, 604, 968, 973, 1352
—xxiii. 243, 400, 404, 422, 424, 425, 434, 471, 670, 676

Lloyd, Mr., xxi. 478
—xxiii. 123, 569, 875, 876, 922, 1035, 1134, 1248, 1298

Lumley, Lord, xxi. 1150

Lushington, Dr., xxi. 266, 781, 953, 997
—xxii. 2, 8, 33, 40, 157, 401, 837, 908
—xxiii. 391, 745, 801, 916, 1152

Lyall, Mr., xxi. 955, 1103
—xxii. 363, 1371
—xxiii. 1146, 1157

Lynch, Mr., xxi. 822
—xxiii. 720, 1139

Maberley, Colonel, xxii. 543, 557, 605, 608

Macleod, Mr., xxi. 354

Mandeville, Lord, xxii. 973, 978

Maxwell, Mr. John, xxi. 262, 423, 684, 1145
—xxii. 299, 538
—xxiii. 1090

Member, Honourable, xxi. 860
—xxiii. 1145

Methuen, Mr., xxi. 1005, 1151
—xxii. 48

Molesworth, Sir William, xxiii. 203, 1179

Moreton, Mr., xxiii. 1245

Morpeth, Lord, xxi. 395, 521, 1252
—xxii. 56, 62, 760
—xxiii. 338, 724, 747, 1138

Morrison, Mr., xxi. 39

Mosley, Sir Oswald, xxi.
—xxii. 429, 449
—xxiii. 314

Mullins, Mr., xxiii. 207, 290, 756

Murray, Mr., xxi. 940
—xxii. 101, 761, 1370

Nicholl, Dr., xxi. 850, 852
—xxii. 108, 475, 476, 479

Norreys, Lord, xxiii. 1033

O'Connell, Mr., xxi. 83, 117, 119, 121, 122 123, 127, 129, 130, 145, 150, 156, 157, 169, 176, 201, 210, 211, 239, 250, 272, 346, 378, 401, 412, 461, 465, 468, 479, 530, 569, 570, 591, 606, 628, 684, 700, 701, 725, 729, 757, 764, 774, 776, 798, 803, 814, 816, 921, 958, 961, 995, 999, 1002, 1032, 1033, 1046,

1047, 1054, 1057, 1154, 1162, 1168, 1171, 1357, 1366, 1370, 1372, 1382, 1383, 1389
—xxii. 15, 52, 53, 82, 147, 154, 155, 166, 190, 192, 247, 353, 397, 409, 419, 467, 610, 621, 656, 690, 717, 735, 737, 747, 811, 959, 1092
—xxiii. 123, 271, 353, 423, 471, 511, 578, 624, 625, 642, 662, 894, 933, 1063, 1138, 1177, 1310

O'Connell, Mr. John, xxi. 560
—xxii. 115

O'Connell, Mr. Maurice, xxiii. 214

O'Connor, Mr. Feargus, xxi. 250, 263, 352, 412, 414, 453, 460, 551, 567, 570, 599, 638, 762, 815, 829, 833, 837, 956, 1042, 1134, 1246, 1350, 1351
—xxii. 860, 862, 1281, 1333
—xxiii. 120, 289, 404, 441

O'Connor, Mr. Dennis, xxiii. 154, 633

O'Dwyer, Mr., xxi. 141, 235, 258, 283, 402, 403, 457, 642, 791, 826, 996, 1053, 1384, 1389, 1390
—xxii. 50, 79, 179
—xxiii. 271, 349, 678, 756, 922

O'Ferrall, Mr., xxi. 819
—xxiii. 426

Ord, Mr., xxi. 1174
—xxii. 451, 925

O'Reilly, Mr., xxi. 1389
—xxii. 51, 146, 178, 466, 522, 978
—xxiii. 271, 470, 883, 920, 1064

Ormelie, Lord, xxi. 460

Oswald, Mr. James, xxi. 1195
—xxiii. 621

Palmer, Mr. Robert, xxi. 1353
—xxiii. 751, 753, 1300

Palmer, Mr. Fysche, xxiii. 1111

Palmerston, Viscount, xxi. 104, 130, 1339
—xxii. 318, 325, 561, 647, 648, 654, 698, 756, 759
—xxiii. 789, 1108, 1110

Parker, Mr., xxiii, 1135

Parnell, Sir Henry, xxi. 1028
—xxii. 209, 486

Parrott, Mr., xxi. 1042
—xxii. 839

Pease, Mr., xxii. 60, 537, 758, 1369
—xxiii. 314, 731, 745, 751, 999

Peel, Sir Robert, xxi. 99, 134, 135, 146, 196, 251, 253, 303, 373, 441, 533, 591, 689, 740, 895, 934, 947, 1051, 1053, 1162, 1163, 1171, 1351, 1390, 1400
—xxii. 27, 63, 71, 79, 89, 128, 276, 333, 353, 380, 381, 442, 446, 453, 478, 702, 742, 831, 836, 841, 959, 962, 963, 1066
—xxiii. 69, 555, 877, 878, 961

Perceval, Colonel, xxii. 737
—xxiii. 422, 449, 883

Perrin, Mr. xxiii. 142

Peter, Mr., xxiii. 207, 219

Petre, Mr., xxiii. 1166

Phillips, Sir George, xxi. 782, 1149, 1185, 1337

Philips, Mr. Mark, xxi. 1371
—xxii. 62, 256, 298, 430, 473, 614
—xxiii. 343, 513, 1367

Philpotts, Mr., xxiii. 741

Plumptre, Mr., xxi. 328, 413
—xxii. 1369
—xxiii. 348, 761, 921, 1127

Pollock, Mr., xxiii. 399, 1223, 1315

Potter, Mr., xxi. 261, 356, 552, 994
—xxii. 55
—xxiii. 321

Poulter, Mr., xxi. 555, 998
—xxiii. 326, 1166, 1178

Pryme, Mr., xxi. 310, 459, 645, 789, 791
—xxii. 423, 597, 612, 623
—xxiii. 200, 693, 737, 746, 759, 761, 868, 920

Rae, Sir William, xxi. 1265

Reid, Sir John Rae, xxiii. 1137

Rice, Mr. Spring, xxi. 506, 1351
—xxii. 78, 79, 121, 408, 478, 569, 614, 663, 721, 738, 739, 741, 747, 750, 751, 752, 756, 760, 761, 962, 963, 965, 966, 967, 970, 977, 1164, 1281
—xxiii. 51, 743, 748, 873

Richards, Mr., xxi. 1247
—xxii. 59, 889
—xxiii. 404, 824, 993, 1131, 1226

Rider, Mr., xxiii. 1127

Ridley, Sir Matthew White, xxi. 559, 996
—xxii. 62, 744, 745, 746, 947, 1055
—xxiii. 347, 744, 746, 961, 1004, 1155, 1296

Rippon, Mr., xxii. 131

Robinson, Mr., xxi. 73, 214, 226, 368, 505, 680, 707, 867, 1096, 1115
—xxii. 59, 75, 303, 360, 490, 604, 1055
—xxiii. 785, 786, 961, 1334

Roche, Mr. William, xxi. 1153
—xxiii. 267, 638, 1065, 1175

Roche, Mr. David, xxiii. 668

Roe, Mr., xxii. 611
—xxiii. 738

Roebuck, Mr., xxi. 498, 630, 646, 814, 873
—xxii. 59, 95, 154, 174, 408, 439, 716, 746, 750, 751, 752, 753, 754, 767, 817, 945
—xxiii. 292, 330, 393, 588, 1131, 1206

Rolfe, Mr., xxii. 841
—xxiii. 923

Romilly, Mr. Edward, xxii. 409
—xxiii. 544, 725

Ronayne, Mr., xxiii. 170, 253, 348, 470, 623, 624, 626

Rotch, Mr., xxi. 857, 863, 864
—xxii. 617, 622, 714, 729, 738, 1162
—xxiii. 569, 1228

Russell, Lord John, xxi. 131, 212, 225, 231, 232, 249, 250, 251, 338, 620, 775, 788, 868,

- 1034, 1040, 1047, 1062, 1166, 1171, 1181, 1386, 1400
  - —xxii. 189, 398, 477, 609, 610, 612, 613, 614, 866, 917, 1048
  - —xxiii. 507, 664, 949, 1081
- Russell, Mr. Charles, xxi. 1356
- Ruthven, Mr., xxi. 98, 138, 272, 358, 413, 445, 466, 550, 571, 959, 1152
  - —xxii. 70, 78, 605, 733, 745, 966
  - —xxiii. 5, 639
- Ruthven, Mr. Edward, xxi. 523, 551
  - —xxii. 967, 978
  - —xxiii. 258

- Sanford, Mr. Ayshford, xxi. 571
  - —xxii. 5
  - —xxiii. 10, 292, 355, 727
- Sanford, Mr., xxi. 445, 1050
- Sandford, Sir Daniel, xxiii. 612, 757, 758, 1055, 1169
- Sandon, Lord, xxi. 337, 846, 848, 853, 1365
  - —xxii. 108, 115, 117, 354, 380, 468, 469, 478, 492, 965
  - —xxiii. 347, 745, 974, 1123, 1138, 1156, 1346
- Scarlett, Sir James, xxi. 318
  - —xxii. 97, 99
  - —xxiii. 842, 902, 911, 933, 934, 937, 996, 1001, 1317, 1340, 1344, 1347
- Scrope, Mr. Poulett, xxi. 466
  - —xxii. 81
  - —xxiii. 1320, 1334
- Seale, Colonel, xxi. 1044
- Sharpe, General, xxi. 1265
- Shaw, Mr., xxi. 148, 212, 286, 301, 341, 465, 598, 599, 602, 711, 725, 1371
  - —xxii. 99, 155, 696, 732
  - —xxiii. 263, 420, 654, 883, 921, 922, 1005, 1245
- Sheil, Mr., xxi. 121, 125, 126, 130, 131, 132, 135, 168, 405, 423, 613, 639, 756, 809, 1050, 1389
  - —xxii. 6, 46, 48, 77, 151, 249, 307, 324, 325, 423
  - —xxiii. 41, 51, 456, 566, 671, 761, 1066, 1247
- Sinclair, Mr., xxi. 191, 192, 207, 252, 270, 314, 441, 549, 869, 926, 936
  - —xxii. 8, 9, 104, 297, 397, 404, 607, 654, 749, 968
  - —xxiii. 351, 680, 759, 923
- Skipwith, Sir Grey, xxi. 1182
- Slaney, Mr., xxii. 896
  - —xxiii. 816, 986, 999, 1299
- Smith, Mr. John, xxiii. 692
- Smith, Mr. Vernon, xxiii. 741, 876
- Solicitor General, The, xxi. 210, 211, 315
  - —xxii. 410
  - —xxiii. 398, 729, 878, 879, 884, 933, 934, 1308, 1342
- Somerset, Lord Granville, xxi. 1363
  - —xxii. 86, 187, 202, 1073
  - —xxiii. 348, 959, 984, 1128, 1284, 1294
- Spankie, Sergeant, xxi. 329
  - —xxiii. 1228
- Speaker, The, xxi. 122, 129, 130, 132, 134, 137, 142, 144, 145, 147, 148, 149, 152, 158, 176, 225, 250, 402, 756, 833, 863, 864, 963, 1152, 1161, 1364
  - —xxii. 116, 118, 119, 120, 121, 189, 597, 640, 713
  - —xxiii. 624, 625, 758, 785, 954, 955, 1334
- Stanley, Mr. Secretary, xxi. 136, 146, 152, 157, 168, 296, 301, 302, 345, 409, 410, 525, 629, 686, 707, 803, 816, 949, 962, 982, 1000
  - —xxii. 8, 40, 47, 52, 67, 73, 75, 281, 302, 341, 347, 604, 606, 607, 632, 634, 646, 790, 818, 872, 949, 953, 955, 959, 961, 963, 1034, 1059
  - —xxiii. 458, 571, 624, 659, 662, 1003, 1005, 1037, 1055, 1068, 1076, 1232, 1247
- Stanley, Mr. John, xxi. 134, 832, 1183
  - —xxii. 6, 1074, 1162
  - —xxiii. 782, 1084
- Staunton, Sir George, xxii. 216, 366
- Staveley, Mr., xxiii. 1
- Stewart, Mr. Patrick, xxi. 948, 1264
  - —xxii. 816
  - —xxiii. 690, 1156, 1314

—xxiii. 690, 1156, 1314

- Stewart, Mr. Robert, xxii. 103, 462
- Strickland, Mr., xxi. 554, 558
  - —xxii. 492, 890
  - —xxiii. 119
- Strickland, Sir George, xxiii. 713, 1121, 1138, 1364
- Strutt, Mr., xxiii. 538
- Stuart, Lord Dudley, xxii. 560, 659
  - —xxiii. 876

- Tancred, Mr., xxi. 843
  - —xxii. 118, 119, 181, 185
- Tennent, Mr. Emerson, xxi. 1158, 1163, 1168
  - —xxii. 1288
- Tennyson, Mr., xxi. 995
  - —xxii. 142, 219, 461, 607, 613, 650, 725, 1064
  - —xxiii. 1036, 1037, 1083
- Thomson, Mr. Poulett, xxi. 447, 946, 1276, 1277, 1336
  - —xxii. 375, 378, 380, 871
  - —xxiii 610, 796, 1096, 1097, 1154
- Thompson, Alderman, xxi. 1114
  - —xxiii. 693, 1151, 1319
- Throckmorton, Mr. xxiii. 752
- Todd, Mr. Ruddel, xxi. 947, 1048, 1162
- Tooke, Mr., xxi. 876, 1399
  - —xxiii. 735, 873, 1228, 1248
- Torrens, Colonel, xxi. 394, 1101, 1144, 1216
  - —xxii. 490, 890

—xxiii. 183, 973, 976, 1097, 1295, 1338, 1346
Tower, Mr., xxi. 679, 791, 840, 1186
  —xxii. 869, 8, 96
  —xxiii. 1288
Troubridge, Sir Thomas, xxiii. 1089
Tullamore, Lord, xxi. 349
Tyrell, Sir John, xxi. 390, 866
  —xxii. 536, 647

Verner, Colonel, xxi. 331
  —xxiii. 233, 879
Verney, Sir Harry, xxi. 457, 829
  —xxii. 248, 492, 653, 722
  —xxiii. 3, 921
Vernon, Mr. Granville, xxiii. 1365
Vincent, Sir Francis, xxi. 478
  —xxii. 422
  —xxiii. 919
Vivian, Sir R. Hussey, xxiii. 186
Vyvyan, Sir Richard, xxi. 1362
  —xxii. 7
  —xxiii. 622, 783, 1108, 1110

Walker, Mr. Charles A., xxi. 553, 625
  —xxii. 380, 542
  —xxiii. 261, 464
Wallace, Mr., xxi. 1263
  —xxii. 869, 1056
  —xxiii. 207, 677, 743
Walter, Mr., xxi. 255
  —xxii. 467, 1070
  —xxiii. 749, 830
Warburton, Mr., xxi. 233, 236, 245, 246, 250, 538, 889, 946, 1115, 1399
  —xxii. 58, 408, 651, 730, 740, 747, 960
  —xxiii. 116, 291, 293, 588, 742, 745, 747, 1004, 1097, 1113, 1138
Ward, Mr., xxi. 239, 1176
  —xxii. 463, 894
  —xxiii. 393, 432, 1368
Warre, Mr., xxi. 1102
  —xxii. 866
  —xxiii. 801
Wason, Mr. Rigby, xxi. 232, 848, 850
  —xxii. 115, 116, 117, 118, 614, 862
  —xxiii. 313
Whalley, Sir Samuel, xxi. 164, 224, 225, 230, 256, 264, 388, 519
  —xxii. 126, 431, 616, 659, 891, 955
  —xxiii 117, 758, 807, 969, 983, 1231, 1276, 1286, 1348
Whitmore, Mr. Wolryche, xxi. 671, 949, 1324
  —xxiii. 980
Wigney, Mr., xxi. 635, 1115, 1143
Wilbraham, Mr., xxi. 668, 1045
Wilks, Mr., xxi. 641
  —xxii. 4, 392, 120, 630, 874, 1059, 1162
  —xxiii. 339, 506, 1246
Williams, Colonel, xxi. 264, 356
  —xxii. 637, 674, 900
  —xxiii. 78, 1133
Willoughby, Sir Henry, xxi. 192, 682, 1049
  —xxii. 106, 470, 841
  —xxiii. 632, 976, 1002, 1291
Wilmot Sir Eardley, xxiii. 511, 1273, 1282, 1320, 1334
Wood, Colonel, xxi. 234, 1016
  —xxii. 56, 619, 839, 893, 899
  —xxiii. 955, 1291, 1301, 1302
Wood, Mr. Alderman, xxii, 153, 432
Wood, Mr. Charles, xxii. 475
Wood, Mr. George, xxii. 902, 912
  —xxiii. 1034
Wrottesley, Sir John, xxi. 167, 561
  —xxii. 62, 450
  —xxiii. 691
Wynn, Mr., xxi. 826, 1062
  —xxii. 430, 610, 613, 614, 718, 751, 1052
  —xxiii. 344, 1004, 1241, 1295,

Yorke, Captain, xxi. 437, 549, 827
Young, Mr. John, xxi. 344
Young, Mr. G. F., xxi. 331, 435, 1079, 1115, 1367
  —xxii. 169, 353, 609, 752, 755, 761, 949, 1372
  —xxiii. 123, 588, 800, 985, 1089, 1152, 1288

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